

107TH CONGRESS  
2D SESSION

# S. 2711

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 2002

Referred to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## AN ACT

To reauthorize and improve programs relating to Native Americans.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Native American Omnibus Act of 2002”.

- 1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

### TITLE I—LAND SETTLEMENT PROVISIONS

#### Subtitle A—T’uf Shur Bien Preservation Trust Area

- Sec. 1101. Short title.
- Sec. 1102. Findings and purposes.
- Sec. 1103. Definitions.
- Sec. 1104. Pueblo rights and interests in the Area.
- Sec. 1105. Limitations on Pueblo rights and interests in the Area.
- Sec. 1106. Management of the Area.
- Sec. 1107. Jurisdiction over the Area.
- Sec. 1108. Subdivisions and other property interests.
- Sec. 1109. Extinguishment of claims.
- Sec. 1110. Construction.
- Sec. 1111. Judicial review.
- Sec. 1112. Provisions relating to contributions and land exchange.
- Sec. 1113. Authorization of appropriations.
- Sec. 1114. Effective date.

#### Subtitle B—Pueblo de Cochiti Settlement

- Sec. 1201. Modification of Pueblo de Cochiti settlement.

### TITLE II—WATER SETTLEMENTS AND WATER-RELATED PROVISIONS

#### Subtitle A—Zuni Heaven Restoration Water Rights Settlement

- Sec. 2101. Short title.
- Sec. 2102. Findings and purposes.
- Sec. 2103. Definitions.
- Sec. 2104. Authorization, ratifications, and confirmations.
- Sec. 2105. Trust lands.
- Sec. 2106. Development fund.
- Sec. 2107. Claims extinguishment; waivers and releases.
- Sec. 2108. Miscellaneous provisions.
- Sec. 2109. Effective date for waiver and release authorizations.

#### Subtitle B—Quinault Indian Nation

- Sec. 2201. Quinault Indian Nation water feasibility study.

#### Subtitle C—Santee Sioux Tribe of Nebraska Rural Water System Feasibility Study

- Sec. 2301. Study; report.
- Sec. 2302. Authorization of appropriations.

### TITLE III—LAND PROVISIONS

#### Subtitle A—Agreement To Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Land Within Garcia Canyon Tract

- Sec. 3101. Definitions.
- Sec. 3102. Trust for the Pueblo of Santa Clara, New Mexico.
- Sec. 3103. Trust for the Pueblo of San Ildefonso, New Mexico.
- Sec. 3104. Survey and legal descriptions.
- Sec. 3105. Administration of trust land.
- Sec. 3106. Effect.

#### Subtitle B—Additional Land Provisions

- Sec. 3201. Indian Land Consolidation Act amendments.
- Sec. 3202. Mississippi Band of Choctaw Indians.
- Sec. 3203. Removal of restrictions on Ute Tribe of the Uintah and Ouray reservation land.
- Sec. 3204. Reservation land of the Cow Creek Band of Umpqua Tribe of Indians.
- Sec. 3205. Disposition of fee land of the Seminole Tribe of Florida.
- Sec. 3206. Disposition of fee land of the Shakopee Mdewakanton Sioux Community.
- Sec. 3207. Facilitation of construction of pipeline to provide water for emergency fire suppression and other purposes.
- Sec. 3208. Agreement with Dry Prairie Rural Water Association, Incorporated.

#### TITLE IV—LEASING PROVISIONS

- Sec. 4001. Authorization of 99-year leases for Confederated Tribes of the Umatilla Indian Reservation.
- Sec. 4002. Authorization of 99-year leases for Yurok Tribe and Hopland Band of Pomo Indians.
- Sec. 4003. Lease of tribally-owned land by Assiniboine and Sioux Tribes of the Fort Peck Reservation.
- Sec. 4004. Leases of restricted land.

#### TITLE V—JUDGMENT FUND DISTRIBUTION

##### Subtitle A—Gila River Indian Community Judgment Fund Distribution

- Sec. 5001. Short title.
- Sec. 5002. Findings.
- Sec. 5003. Definitions.

##### CHAPTER 1—GILA RIVER JUDGMENT FUND DISTRIBUTION

- Sec. 5101. Distribution of judgment funds.
- Sec. 5102. Responsibility of Secretary; applicable law.

##### CHAPTER 2—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

- Sec. 5111. Plan for use and distribution of judgment funds awarded in Docket No. 228.
- Sec. 5112. Plan for use and distribution of judgment funds awarded in Docket No. 236–N.

##### CHAPTER 3—EXPERT ASSISTANCE LOANS

- Sec. 5121. Waiver of repayment of expert assistance loans to Gila River Indian Community.

Subtitle B—Assiniboine and Sioux Tribes of the Fort Peck Reservation  
Judgment Fund Distribution

- Sec. 5201. Short title.
- Sec. 5202. Findings and purpose.
- Sec. 5203. Definitions.
- Sec. 5204. Distribution of judgment funds.
- Sec. 5205. Applicable law.

TITLE VI—REPAYMENT OF EXPERT WITNESS LOANS

- Sec. 6001. Waiver of repayment of expert assistance loans to the Pueblo of Santo Domingo.
- Sec. 6002. Waiver of repayment of expert assistance loans to the Oglala Sioux Tribe.
- Sec. 6003. Waiver of repayment of expert assistance loans to the Seminole Tribe of Oklahoma.

TITLE VII—HEALTH-RELATED PROVISIONS

- Sec. 7001. Rural health care facility, Fort Berthold Indian Reservation, North Dakota.
- Sec. 7002. Health care funding allocation, Eagle Butte Service Unit.
- Sec. 7003. Indian health demonstration project.
- Sec. 7004. Alaska treatment centers and facilities.

TITLE VIII—REAUTHORIZATION OF NATIVE AMERICAN  
PROGRAMS

- Sec. 8001. Bosque Redondo Memorial Act.
- Sec. 8002. Navajo-Hopi Land Settlement Act of 1974.
- Sec. 8003. Indian Health Care Improvement Act.
- Sec. 8004. Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.
- Sec. 8005. Indian Child Protection and Family Violence Prevention Act.
- Sec. 8006. Native Hawaiian Health Care Improvement Act.
- Sec. 8007. Four Corners Interpretive Center Act.
- Sec. 8008. Environmental dispute resolution fund.

TITLE IX—MISCELLANEOUS PROVISIONS

Subtitle A—Cultural Provisions

- Sec. 9101. Oklahoma Native American Cultural Center and Museum.
- Sec. 9102. Rehabilitation of Celilo Indian Village.
- Sec. 9103. Conveyance of Native Alaskan objects.

Subtitle B—Indian Probate Reform

- Sec. 9201. Short title.
- Sec. 9202. Findings.

CHAPTER 1—INDIAN PROBATE REFORM

- Sec. 9211. Indian probate reform.
- Sec. 9212. Other amendments.
- Sec. 9213. Effective date.

CHAPTER 2—INHERITANCE OF CERTAIN TRUST OR RESTRICTED LANDS

Sec. 9221. Inheritance of certain trust or restricted lands.

Subtitle C—Settlement of Certain Foreign Claims

Sec. 9301. Settlement of certain claims.

Subtitle D—Certification of Rental Proceeds

Sec. 9401. Certification of rental proceeds.

Subtitle E—Tribal Sovereignty

Sec. 9501. Tribal sovereignty.

1       **TITLE I—LAND SETTLEMENT**  
 2               **PROVISIONS**  
 3               **Subtitle A—T’uf Shur Bien**  
 4               **Preservation Trust Area**

5       **SEC. 1101. SHORT TITLE.**

6               This subtitle may be cited as the “T’uf Shur Bien  
 7       Preservation Trust Area Act”.

8       **SEC. 1102. FINDINGS AND PURPOSES.**

9               (a) FINDINGS.—Congress finds that—

10               (1) in 1748, the Pueblo of Sandia received a  
 11               grant from a representative of the King of Spain,  
 12               which grant was recognized and confirmed by Con-  
 13               gress in 1858 (11 Stat. 374); and

14               (2) in 1994, the Pueblo filed a civil action  
 15               against the Secretary of the Interior and the Sec-  
 16               retary of Agriculture in the United States District  
 17               Court for the District of Columbia (Civil No.  
 18               1:94CV02624), asserting that Federal surveys of the  
 19               grant boundaries erroneously excluded certain land

1 within the Cibola National Forest, including a por-  
 2 tion of the Sandia Mountain Wilderness.

3 (b) PURPOSES.—The purposes of this subtitle are—

4 (1) to establish the T’uf Shur Bien Preserva-  
 5 tion Trust Area in the Cibola National Forest;

6 (2) to confirm the status of national forest land  
 7 and wilderness land in the Area while resolving  
 8 issues associated with the civil action referred to in  
 9 subsection (a)(2) and the opinions of the Solicitor of  
 10 the Department of the Interior dated December 9,  
 11 1988 (M–36963; 96 I.D. 331) and January 19,  
 12 2001 (M–37002); and

13 (3) to provide the Pueblo, the parties to the  
 14 civil action, and the public with a fair and just set-  
 15 tlement of the Pueblo’s claim.

16 **SEC. 1103. DEFINITIONS.**

17 In this subtitle:

18 (1) AREA.—

19 (A) IN GENERAL.—The term “Area”  
 20 means the T’uf Shur Bien Preservation Trust  
 21 Area, comprised of approximately 9890 acres of  
 22 land in the Cibola National Forest, as depicted  
 23 on the map.

24 (B) EXCLUSIONS.—The term “Area” does  
 25 not include—

- 1 (i) the subdivisions;
- 2 (ii) the Pueblo-owned land;
- 3 (iii) the crest facilities; or
- 4 (iv) the special use permit area.

5 (2) CREST FACILITIES.—The term “crest facili-  
6 ties” means—

- 7 (A) all facilities and developments located
- 8 on the crest of Sandia Mountain, including the
- 9 Sandia Crest Electronic Site;
- 10 (B) electronic site access roads;
- 11 (C) the Crest House;
- 12 (D) the upper terminal, restaurant, and re-
- 13 lated facilities of Sandia Peak Tram Company;
- 14 (E) the Crest Observation Area;
- 15 (F) parking lots;
- 16 (G) restrooms;
- 17 (H) the Crest Trail (Trail No. 130);
- 18 (I) hang glider launch sites;
- 19 (J) the Kiwanis cabin; and
- 20 (K) the land on which the facilities de-
- 21 scribed in subparagraphs (A) through (J) are
- 22 located and the land extending 100 feet along
- 23 terrain to the west of each such facility, unless
- 24 a different distance is agreed to in writing by

1           the Secretary and the Pueblo and documented  
2           in the survey of the Area.

3           (3) EXISTING USE.—The term “existing use”  
4           means a use that—

5                   (A) is occurring in the Area as of the date  
6                   of enactment of this Act; or

7                   (B) is authorized in the Area after Novem-  
8                   ber 1, 1995, but before the date of enactment  
9                   of this Act.

10           (4) LA LUZ TRACT.—The term “La Luz tract”  
11           means the tract comprised of approximately 31 acres  
12           of land owned in fee by the Pueblo and depicted on  
13           the map.

14           (5) LOCAL PUBLIC BODY.—The term “local  
15           public body” means a political subdivision of the  
16           State of New Mexico (as defined in New Mexico  
17           Code 6–5–1).

18           (6) MAP.—The term “map” means the Forest  
19           Service map entitled “T’uf Shur Bien Preservation  
20           Trust Area” and dated April 2000.

21           (7) MODIFIED USE.—

22                   (A) IN GENERAL.—The term “modified  
23                   use” means an existing use that, at any time  
24                   after the date of enactment of this Act, is modi-



1           fied or reconfigured but not significantly ex-  
2           panded.

3           (B) INCLUSIONS.—The term “modified  
4           use” includes—

5                   (i) a trail or trailhead being modified,  
6                   such as to accommodate handicapped ac-  
7                   cess;

8                   (ii) a parking area being reconfigured;  
9                   and

10                  (iii) a special use authorization for a  
11                  group recreation use being authorized for a  
12                  different use area or time period.

13       (8) NEW USE.—

14           (A) IN GENERAL.—The term “new use”  
15           means—

16                   (i) a use that is not occurring in the  
17                   Area as of the date of enactment of this  
18                   Act; and

19                   (ii) an existing use that is being modi-  
20                   fied so as to be significantly expanded or  
21                   altered in scope, dimension, or impact on  
22                   the land, water, air, or wildlife resources of  
23                   the Area.

24           (B) EXCLUSIONS.—The term “new use”  
25           does not include a use that—

1 (i) is categorically excluded from doc-  
2 umentation requirements under the Na-  
3 tional Environmental Policy Act of 1969  
4 (42 U.S.C. 4321 et seq.); or

5 (ii) is carried out to comply with the  
6 Endangered Species Act of 1973 (16  
7 U.S.C. 1531 et seq.).

8 (9) PIEDRA LISA TRACT.—The term “Piedra  
9 Lisa tract” means the tract comprised of approxi-  
10 mately 160 acres of land held in private ownership  
11 and depicted on the map.

12 (10) PUEBLO.—The term “Pueblo” means the  
13 Pueblo of Sandia in its governmental capacity.

14 (11) SECRETARY.—The term “Secretary”  
15 means the Secretary of Agriculture, acting through  
16 the Chief of the Forest Service.

17 (12) SETTLEMENT AGREEMENT.—The term  
18 “Settlement Agreement” means the Agreement of  
19 Compromise and Settlement dated April 4, 2000,  
20 among the United States, the Pueblo, and the  
21 Sandia Peak Tram Company.

22 (13) SPECIAL USE PERMIT.—The term “special  
23 use permit” means the Special Use Permit issued  
24 December 1, 1993, by the Secretary to Sandia Peak  
25 Tram Company and Sandia Peak Ski Company

1 (14) SPECIAL USE PERMIT AREA.—

2 (A) IN GENERAL.—The term “special use  
3 permit area” means the land and facilities sub-  
4 ject to the special use permit.

5 (B) INCLUSIONS.—The term “special use  
6 permit area” includes—

7 (i) approximately 46 acres of land  
8 used as an aerial tramway corridor;

9 (ii) approximately 945 acres of land  
10 used as a ski area; and

11 (iii) the land and facilities described  
12 in Exhibit A to the special use permit, in-  
13 cluding—

14 (I) the maintenance road to the  
15 lower tram tower;

16 (II) water storage and water dis-  
17 tribution facilities; and

18 (III) 7 helispots.

19 (15) SUBDIVISION.—The term “subdivision”  
20 means—

21 (A) the subdivision of—

22 (i) Sandia Heights Addition;

23 (ii) Sandia Heights North Unit I, II,  
24 or 3;

25 (iii) Tierra Monte;

1 (iv) Valley View Acres; or

2 (v) Evergreen Hills; and

3 (B) any additional plat or privately-owned  
4 property depicted on the map.

5 (16) TRADITIONAL OR CULTURAL USE.—The  
6 term “traditional or cultural use” means—

7 (A) a ceremonial activity (including the  
8 placing of ceremonial materials in the Area);  
9 and

10 (B) the use, hunting, trapping, or gath-  
11 ering of plants, animals, wood, water, and other  
12 natural resources for a noncommercial purpose.

13 **SEC. 1104. PUEBLO RIGHTS AND INTERESTS IN THE AREA.**

14 (a) GENERAL.—The Pueblo shall have the following  
15 rights and interests in the Area:

16 (1) Free and unrestricted access to the Area for  
17 traditional or cultural uses, to the extent that those  
18 uses are not inconsistent with—

19 (A) the Wilderness Act (16 U.S.C. 1131 et  
20 seq.) (including regulations promulgated under  
21 that Act) as in effect on the date of enactment  
22 of this Act; or

23 (B) applicable Federal wildlife protection  
24 laws as provided in section 1105(a)(2).

1           (2) Perpetual preservation of the national forest  
2           and wilderness character of the Area under this sub-  
3           title.

4           (3) Rights in the management of the Area as  
5           specified in section 1106, including—

6                   (A) the right to consent or withhold con-  
7                   sent to a new use;

8                   (B) the right to consultation regarding a  
9                   modified use;

10                  (C) the right to consultation regarding the  
11                  management and preservation of the Area; and

12                  (D) the right to dispute resolution proce-  
13                  dures.

14           (4) Exclusive authority, in accordance with the  
15           customs and laws of the Pueblo, to administer ac-  
16           cess to the Area for traditional or cultural uses by  
17           members of the Pueblo and of other federally-recog-  
18           nized Indian tribes.

19           (5) Such other rights and interests as are rec-  
20           ognized in sections 1104(c), 1106, 1107, and 1108.

21           (b) ACCESS.— Except as provided in subsection  
22           (a)(4), access to and use of the Area for all other purposes  
23           shall continue to be administered by the Secretary.

24           (c) COMPENSABLE INTEREST.—

1           (1) IN GENERAL.—If, by an Act of Congress  
 2           enacted after the date of enactment of this Act, Con-  
 3           gress diminishes the national forest or wilderness  
 4           designation of the Area by authorizing a use prohib-  
 5           ited by section 1104(e) in all or any portion of the  
 6           Area, or denies the Pueblo access for any traditional  
 7           or cultural use in all or any portion of the Area—

8                   (A) the United States shall compensate the  
 9           Pueblo as if the Pueblo had held a fee title in-  
 10          terest in the affected portion of the Area and  
 11          as though the United States had acquired such  
 12          an interest by legislative exercise of the power  
 13          of eminent domain; and

14                   (B) the restrictions of section 1105(a)  
 15          shall be disregarded in determining just com-  
 16          pensation owed to the Pueblo.

17           (2) EFFECT.—Any compensation made to the  
 18          Pueblo under paragraph (c) shall not affect the ex-  
 19          tinguishment of claims under section 1109.

20 **SEC. 1105. LIMITATIONS ON PUEBLO RIGHTS AND INTER-**  
 21 **ESTS IN THE AREA.**

22          (a) LIMITATIONS.—The rights and interests of the  
 23          Pueblo recognized in this subtitle do not include—

24                   (1) any right to sell, grant, lease, convey, en-  
 25          cumber, or exchange land or any interest in land in

1 the Area (and any such conveyance shall not have  
2 validity in law or equity);

3 (2) any exemption from applicable Federal wild-  
4 life protection laws;

5 (3) any right to engage in a use prohibited by  
6 section 1104(e); or

7 (4) any right to exclude persons or govern-  
8 mental entities from the Area.

9 (b) EXCEPTION.—No person who exercises tradi-  
10 tional or cultural use rights as authorized by section  
11 1104(a)(4) may be prosecuted for a Federal wildlife of-  
12 fense requiring proof of a violation of a State law.

13 **SEC. 1106. MANAGEMENT OF THE AREA.**

14 (a) PROCESS.—

15 (1) IN GENERAL.—The Secretary shall consult  
16 with the Pueblo not less than twice each year, unless  
17 otherwise mutually agreed, concerning protection,  
18 preservation, and management of the Area  
19 (including proposed new uses and modified uses in  
20 the Area and authorizations that are anticipated  
21 during the next 6 months and were approved in the  
22 preceding 6 months).

23 (2) NEW USES.—

24 (A) REQUEST FOR CONSENT AFTER CON-  
25 SULTATION.—

1 (i) WITHHOLDING OF CONSENT.—If  
2 the Pueblo withholds consent for a new use  
3 within 30 days after completion of the con-  
4 sultation process, the Secretary shall not  
5 proceed with the new use.

6 (ii) GRANTING OF CONSENT.—If the  
7 Pueblo consents to the new use in writing  
8 or fails to respond within 30 days after  
9 completion of the consultation process, the  
10 Secretary may proceed with the notice and  
11 comment process and the environmental  
12 analysis.

13 (B) FINAL REQUEST FOR CONSENT.—

14 (i) REQUEST.—Before the Secretary  
15 (or a designee) signs a record of decision  
16 or decision notice for a proposed new use,  
17 the Secretary shall again request the con-  
18 sent of the Pueblo.

19 (ii) WITHHOLDING OF CONSENT.—If  
20 the Pueblo withholds consent for a new use  
21 within 30 days after receipt by the Pueblo  
22 of the proposed record of decision or deci-  
23 sion notice, the new use shall not be au-  
24 thorized.



1 (ii) FAILURE TO RESPOND.—If the  
 2 Pueblo fails to respond to the consent re-  
 3 quest within 30 days after receipt of the  
 4 proposed record of decision or decision no-  
 5 tice—

6 (I) the Pueblo shall be deemed to  
 7 have consented to the proposed record  
 8 of decision or decision notice; and

9 (II) the Secretary may proceed to  
 10 issue the final record of decision or  
 11 decision notice.

12 (3) PUBLIC INVOLVEMENT.—

13 (A) IN GENERAL.—With respect to a pro-  
 14 posed new use or modified use, the public shall  
 15 be provided notice of—

16 (i) the purpose and need for the pro-  
 17 posed new use or modified use;

18 (ii) the role of the Pueblo in the deci-  
 19 sionmaking process; and

20 (iii) the position of the Pueblo on the  
 21 proposal.

22 (B) COURT CHALLENGE.—Any person may  
 23 bring a civil action in the United States District  
 24 Court for the District of New Mexico to chal-  
 25 lenge a determination by the Secretary con-

1           cerning whether a use constitutes a new use or  
2           a modified use.

3           (b) EMERGENCIES AND EMERGENCY CLOSURE OR-  
4   DERS.—

5           (1) AUTHORITY.—The Secretary shall retain  
6           the authority of the Secretary to manage emergency  
7           situations, to—

8                   (A) provide for public safety; and

9                   (B) issue emergency closure orders in the  
10          Area subject to applicable law.

11          (2) NOTICE.—The Secretary shall notify the  
12          Pueblo regarding emergencies, public safety issues,  
13          and emergency closure orders as soon as practicable.

14          (3) NO CONSENT.—An action of the Secretary  
15          described in paragraph (1) shall not require the con-  
16          sent of the Pueblo.

17          (c) DISPUTES INVOLVING FOREST SERVICE MAN-  
18   AGEMENT AND PUEBLO TRADITIONAL USES.—

19           (1) IN GENERAL.—In a case in which the man-  
20          agement of the Area by the Secretary conflicts with  
21          a traditional or cultural use, if the conflict does not  
22          pertain to a new use or modified use subject to the  
23          process specified in subsection (a), the process for  
24          dispute resolution specified in this subsection shall  
25          apply.

1 (2) DISPUTE RESOLUTION PROCESS.—

2 (A) IN GENERAL.—In the case of a conflict  
3 described in paragraph (1)—

4 (i) the party identifying the conflict  
5 shall notify the other party in writing ad-  
6 dressed to the Governor of the Pueblo or  
7 the Regional Forester, as appropriate,  
8 specifying the nature of the dispute; and

9 (ii) the Governor of the Pueblo or the  
10 Regional Forester shall attempt to resolve  
11 the dispute for a period of at least 30 days  
12 after notice has been provided before  
13 bringing a civil action in the United States  
14 District Court for the District of New  
15 Mexico.

16 (B) DISPUTES REQUIRING IMMEDIATE  
17 RESOLUTION.—In the case of a conflict that re-  
18 quires immediate resolution to avoid imminent,  
19 substantial, and irreparable harm—

20 (i) the party identifying the conflict  
21 shall notify the other party and seek to re-  
22 solve the dispute within 3 days of the date  
23 of notification; and

24 (ii) if the parties are unable to resolve  
25 the dispute within 3 days—

1 (I) either party may bring a civil  
2 action for immediate relief in the  
3 United States District Court for the  
4 District of New Mexico; and  
5 (II) the procedural requirements  
6 specified in subparagraph (A) shall  
7 not apply.

8 **SEC. 1107. JURISDICTION OVER THE AREA.**

9 (a) **CRIMINAL JURISDICTION.**—

10 (1) **IN GENERAL.**—Notwithstanding any other  
11 provision of law, jurisdiction over crimes committed  
12 in the Area shall be allocated as provided in this  
13 paragraph.

14 (2) **JURISDICTION OF THE PUEBLO.**—The  
15 Pueblo shall have jurisdiction over an offense com-  
16 mitted by a member of the Pueblo or of another fed-  
17 erally-recognized Indian tribe who is present in the  
18 Area with the permission of the Pueblo under sec-  
19 tion 1104(a)(4).

20 (3) **JURISDICTION OF THE UNITED STATES.**—  
21 The United States shall have jurisdiction over—

22 (A) an offense described in section 1153 of  
23 title 18, United States Code, committed by a  
24 member of the Pueblo or another federally-rec-  
25 ognized Indian tribe;

1 (B) an offense committed by any person in  
 2 violation of the laws (including regulations) per-  
 3 taining to the protection and management of  
 4 national forests;

5 (C) enforcement of Federal criminal laws  
 6 of general applicability; and

7 (D) any other offense committed by a  
 8 member of the Pueblo against a person not a  
 9 member of the Pueblo.

10 (4) JURISDICTION OF THE STATE OF NEW MEX-  
 11 ICO.—The State of New Mexico shall have jurisdic-  
 12 tion over an offense under the law of the State com-  
 13 mitted by a person not a member of the Pueblo.

14 (5) OVERLAPPING JURISDICTION.—To the ex-  
 15 tent that the respective allocations of jurisdiction  
 16 over the Area under paragraphs (2), (3), and (4)  
 17 overlap, the governments shall have concurrent juris-  
 18 diction.

19 (6) FEDERAL USE OF STATE LAW.—Under the  
 20 jurisdiction of the United States described in para-  
 21 graph (3)(D), Federal law shall incorporate any of-  
 22 fense defined and punishable under State law that is  
 23 not so defined under Federal law.

24 (b) CIVIL JURISDICTION.—

1           (1) IN GENERAL.—Except as provided in para-  
2       graphs (2) and (3), the United States, the State of  
3       New Mexico, and local public bodies shall have the  
4       same civil adjudicatory, regulatory, and taxing juris-  
5       diction over the Area as was exercised by those enti-  
6       ties on the day before the date of enactment of this  
7       Act.

8           (2) JURISDICTION OF THE PUEBLO.—

9           (A) IN GENERAL.—The Pueblo shall have  
10       exclusive civil adjudicatory jurisdiction over—

11               (i) a dispute involving only members  
12               of the Pueblo;

13               (ii) a civil action brought by the Pueb-  
14               lo against a member of the Pueblo; and

15               (iii) a civil action brought by the  
16               Pueblo against a member of another feder-  
17               ally-recognized Indian tribe for a violation  
18               of an understanding between the Pueblo  
19               and the other tribe regarding use of or ac-  
20               cess to the Area for traditional or cultural  
21               uses.

22           (B) REGULATORY JURISDICTION.—The  
23       Pueblo shall have no regulatory jurisdiction  
24       over the Area, except that the Pueblo shall have  
25       exclusive authority to—

1 (i) regulate traditional or cultural  
2 uses by the members of the Pueblo and ad-  
3 minister access to the Area by other feder-  
4 ally-recognized Indian tribes for traditional  
5 or cultural uses, to the extent such regula-  
6 tion is consistent with this subtitle; and

7 (ii) regulate hunting and trapping in  
8 the Area by members of the Pueblo, to the  
9 extent that the hunting or trapping is re-  
10 lated to traditional or cultural uses, except  
11 that such hunting and trapping outside of  
12 that portion of the Area in sections 13, 14,  
13 23, 24, and the northeast quarter of sec-  
14 tion 25 of T12N, R4E, and section 19 of  
15 T12N, R5E, N.M.P.M., Sandoval County,  
16 New Mexico, shall be regulated by the  
17 Pueblo in a manner consistent with the  
18 regulations of the State of New Mexico  
19 concerning types of weapons and proximity  
20 of hunting and trapping to trails and resi-  
21 dences.

22 (C) TAXING JURISDICTION.—The Pueblo  
23 shall have no authority to impose taxes within  
24 the Area.

1           (3) STATE AND LOCAL TAXING JURISDIC-  
 2           TION.—The State of New Mexico and local public  
 3           bodies shall have no authority within the Area to tax  
 4           the uses or the property of the Pueblo, members of  
 5           the Pueblo, or members of other federally-recognized  
 6           Indian tribes authorized to use the Area under sec-  
 7           tion 1104(a)(4).

8   **SEC. 1108. SUBDIVISIONS AND OTHER PROPERTY INTER-**  
 9                           **ESTS.**

10          (a) SUBDIVISIONS.—

11               (1) IN GENERAL.—The subdivisions are ex-  
 12               cluded from the Area.

13               (2) JURISDICTION.—

14                       (A) IN GENERAL.—The Pueblo shall have  
 15                       no civil or criminal jurisdiction for any purpose,  
 16                       including adjudicatory, taxing, zoning, regu-  
 17                       latory or any other form of jurisdiction, over  
 18                       the subdivisions and property interests therein,  
 19                       and the laws of the Pueblo shall not apply to  
 20                       the subdivisions.

21                       (B) STATE JURISDICTION.—The jurisdic-  
 22                       tion of the State of New Mexico and local pub-  
 23                       lic bodies over the subdivisions and property in-  
 24                       terests therein shall continue in effect, except  
 25                       that on application of the Pueblo a tract com-



1           prised of approximately 35 contiguous, nonsub-  
2           divided acres in the northern section of Ever-  
3           green Hills owned in fee by the Pueblo at the  
4           time of enactment of this Act, shall be trans-  
5           ferred to the United States and held in trust  
6           for the Pueblo by the United States and admin-  
7           istered by the Secretary of the Interior.

8           (3) LIMITATIONS ON TRUST LAND.—Trust land  
9           described in paragraph (2)(B) shall be subject to all  
10          limitations on use pertaining to the Area contained  
11          in this subtitle.

12         (b) PIEDRA LISA.—

13           (1) IN GENERAL.—The Piedra Lisa tract is ex-  
14          cluded from the Area notwithstanding any subse-  
15          quent acquisition of the tract by the Pueblo.

16           (2) ACQUISITION OF TRACT.—If the Secretary  
17          or the Pueblo acquires the Piedra Lisa tract, the  
18          tract shall be transferred to the United States and  
19          is declared to be held in trust for the Pueblo by the  
20          United States and administered by the Secretary of  
21          the Interior subject to all limitations on use per-  
22          taining to the Area contained in this subtitle.

23           (3) APPLICABILITY OF CERTAIN RESTRIC-  
24          TION.—The restriction contained in section

1       1105(a)(4) shall not apply outside of Forest Service  
2       System trails.

3           (4) JURISDICTION.—Until acquired by the Sec-  
4       retary or Pueblo, the jurisdiction of the State of  
5       New Mexico and local public bodies over the Piedra  
6       Lisa tract and property interests therein shall con-  
7       tinue in effect.

8       (c) CREST FACILITIES.—

9           (1) IN GENERAL.—The land on which the crest  
10      facilities are located is excluded from the Area.

11          (2) JURISDICTION.—The Pueblo shall have no  
12      civil or criminal jurisdiction for any purpose, includ-  
13      ing adjudicatory, taxing, zoning, regulatory or any  
14      other form of jurisdiction, over the land on which  
15      the crest facilities are located and property interests  
16      therein, and the laws of the Pueblo, shall not apply  
17      to that land. The preexisting jurisdictional status of  
18      that land shall continue in effect.

19      (d) SPECIAL USE PERMIT AREA.—

20          (1) IN GENERAL.—The land described in the  
21      special use permit is excluded from the Area.

22          (2) JURISDICTION.—

23            (A) IN GENERAL.—The Pueblo shall have  
24      no civil or criminal jurisdiction for any purpose,  
25      including adjudicatory, taxing, zoning, regu-

1           latory, or any other form of jurisdiction, over  
2           the land described in the special use permit,  
3           and the laws of the Pueblo shall not apply to  
4           that land.

5                   (B)   PREEXISTING   STATUS.—The   pre-  
6           existing jurisdictional status of that land shall  
7           continue in effect.

8                   (3)   AMENDMENT TO PLAN.—In the event the  
9           special use permit, during its existing term or any  
10          future terms or extensions, requires amendment to  
11          include other land in the Area necessary to realign  
12          the existing or any future replacement tram line, as-  
13          sociated structures, or facilities, the land subject to  
14          that amendment shall thereafter be excluded from  
15          the Area and shall have the same status under this  
16          subtitle as the land currently described in the special  
17          use permit.

18                   (4)   LAND DEDICATED TO AERIAL TRAMWAY  
19          AND RELATED USES.—Any land dedicated to aerial  
20          tramway and related uses and associated facilities  
21          that are excluded from the special use permit  
22          through expiration, termination or the amendment  
23          process shall thereafter be included in the Area, but  
24          only after final agency action no longer subject to  
25          any appeals.

1 (e) LA LUZ TRACT.—

2 (1) IN GENERAL.—The La Luz tract now  
3 owned in fee by the Pueblo is excluded from the  
4 Area and, on application by the Pueblo, shall be  
5 transferred to the United States and held in trust  
6 for the Pueblo by the United States and adminis-  
7 tered by the Secretary of the Interior subject to all  
8 limitations on use pertaining to the Area contained  
9 in this subtitle.

10 (2) NONAPPLICABILITY OF CERTAIN RESTRIC-  
11 TION.—The restriction contained in section  
12 1105(a)(4) shall not apply outside of Forest Service  
13 System trails.

14 (f) EVERGREEN HILLS ACCESS.—The Secretary,  
15 consistent with section 1323(a) of the Alaska National In-  
16 terest Lands Conservation Act (16 U.S.C. 3210), shall en-  
17 sure that Forest Service Road 333D, as depicted on the  
18 map, is maintained in an adequate condition consistent  
19 with the terms of section 1323(a) of the Alaska National  
20 Interest Lands Conservation Act (16 U.S.C. 3210).

21 (g) PUEBLO FEE LAND.—Those properties not spe-  
22 cifically addressed in subsections (a) or (e) that are owned  
23 in fee by the Pueblo within the subdivisions are excluded  
24 from the Area and shall be subject to the jurisdictional  
25 provisions of subsection (a).

1 (h) RIGHTS-OF-WAY.—

2 (1) ROAD RIGHTS-OF-WAY.—

3 (A) IN GENERAL.—In accordance with the  
 4 Pueblo having given its consent in the Settle-  
 5 ment Agreement, the Secretary of the Interior  
 6 shall grant to the County of Bernalillo, New  
 7 Mexico, in perpetuity, the following irrevocable  
 8 rights-of-way for roads identified on the map in  
 9 order to provide for public access to the subdivi-  
 10 sions, the special use permit land and facilities,  
 11 the other leasehold and easement rights and in-  
 12 terests of the Sandia Peak Tram Company and  
 13 its affiliates, the Sandia Heights South Subdivi-  
 14 sion, and the Area—

15 (i) a right-of-way for Tramway Road;

16 (ii) a right-of-way for Juniper Hill  
 17 Road North;

18 (iii) a right-of-way for Juniper Hill  
 19 Road South;

20 (iv) a right-of-way for Sandia Heights  
 21 Road; and

22 (v) a right-of-way for Juan Tabo Can-  
 23 yon Road (Forest Road No. 333).

24 (B) CONDITIONS.—The road rights-of-way  
 25 shall be subject to the following conditions:

1 (i) Such rights-of-way may not be ex-  
 2 panded or otherwise modified without the  
 3 Pueblo's written consent, but road mainte-  
 4 nance to the rights-of-way shall not be sub-  
 5 ject to Pueblo consent.

6 (ii) The rights-of-way shall not au-  
 7 thorize uses for any purpose other than  
 8 roads without the Pueblo's written consent.

9 (iii) Except as provided in the Settle-  
 10 ment Agreement, existing rights-of-way or  
 11 leasehold interests and obligations held by  
 12 the Sandia Peak Tram Company and its  
 13 affiliates, shall be preserved, protected, and  
 14 unaffected by this Act.

15 (2) UTILITY RIGHTS-OF-WAY.—In accordance  
 16 with the Pueblo having given its consent in the Set-  
 17 tlement Agreement, the Secretary of the Interior  
 18 shall grant irrevocable utility rights-of-way in per-  
 19 petuity across Pueblo land to appropriate utility or  
 20 other service providers serving Sandia Heights Addi-  
 21 tion, Sandia Heights North Units I, II, and 3, the  
 22 special use permit land, Tierra Monte, and Valley  
 23 View Acres, including rights-of-way for natural gas,  
 24 power, water, telecommunications, and cable tele-  
 25 vision services. Such rights-of-way shall be within ex-

1       isting utility corridors as depicted on the map or, for  
2       certain water lines, as described in the existing grant  
3       of easement to the Sandia Peak Utility Company;  
4       provided that use of water line easements outside  
5       the utility corridors depicted on the map shall not be  
6       used for utility purposes other than water lines and  
7       associated facilities. Except where above-ground fa-  
8       cilities already exist, all new utility facilities shall be  
9       installed underground unless the Pueblo agrees oth-  
10      erwise. To the extent that enlargement of existing  
11      utility corridors is required for any technologically-  
12      advanced telecommunication, television, or utility  
13      services, the Pueblo shall not unreasonably withhold  
14      agreement to a reasonable enlargement of the ease-  
15      ments described above.

16           (3) FOREST SERVICE RIGHTS-OF-WAY.—In ac-  
17      cordance with the Pueblo having given its consent in  
18      the Settlement Agreement, the Secretary of the Inte-  
19      rior shall grant to the Forest Service the following  
20      irrevocable rights-of-way in perpetuity for Forest  
21      Service trails crossing land of the Pueblo in order to  
22      provide for public access to the Area and through  
23      Pueblo land—

24                   (A) a right-of-way for a portion of the  
25                   Crest Spur Trail (Trail No. 84), crossing a por-

1           tion of the La Luz tract, as identified on the  
2           map;

3           (B) a right-of-way for the extension of the  
4           Foothills Trail (Trail No. 365A), as identified  
5           on the map; and

6           (C) a right-of-way for that portion of the  
7           Piedra Lisa North-South Trail (Trail No. 135)  
8           crossing the Piedra Lisa tract, if the Pueblo  
9           ever acquires the Piedra Lisa tract.

10 **SEC. 1109. EXTINGUISHMENT OF CLAIMS.**

11       (a) IN GENERAL.—Except for the rights and inter-  
12       ests in and to the Area specifically recognized in sections  
13       1104, 1106, 1107, and 1108, all Pueblo claims to right,  
14       title and interest of any kind, including aboriginal claims,  
15       in and to land within the Area, any part thereof, and prop-  
16       erty interests therein, as well as related boundary, survey,  
17       trespass, and monetary damage claims, are permanently  
18       extinguished. The United States' title to the Area is con-  
19       firmed.

20       (b) SUBDIVISIONS.—Any Pueblo claims to right, title  
21       and interest of any kind, including aboriginal claims, in  
22       and to the subdivisions and property interests therein  
23       (except for land owned in fee by the Pueblo as of the date  
24       of enactment of this Act), as well as related boundary,



1 survey, trespass, and monetary damage claims, are perma-  
2 nently extinguished.

3 (c) SPECIAL USE AND CREST FACILITIES AREAS.—

4 Any Pueblo right, title and interest of any kind, including  
5 aboriginal claims, and related boundary, survey, trespass,  
6 and monetary damage claims, are permanently extin-  
7 guished in and to—

8 (1) the land described in the special use permit;  
9 and

10 (2) the land on which the crest facilities are lo-  
11 cated.

12 (d) PUEBLO AGREEMENT.—As provided in the Set-  
13 tlement Agreement, the Pueblo has agreed to the relin-  
14 quishment and extinguishment of those claims, rights, ti-  
15 tles and interests extinguished pursuant to subsection (a),  
16 (b) and (c).

17 (e) CONSIDERATION.—The recognition of the Pueb-  
18 lo's rights and interests in this Act constitutes adequate  
19 consideration for the Pueblo's agreement to the extin-  
20 guishment of the Pueblo's claims in this section and the  
21 right-of-way grants contained in section 1108, and it is  
22 the intent of Congress that those rights and interests may  
23 only be diminished by a future Act of Congress specifically  
24 authorizing diminishment of such rights, with express ref-  
25 erence to this subtitle.

1 **SEC. 1110. CONSTRUCTION.**

2 (a) STRICT CONSTRUCTION.—This subtitle recog-  
3 nizes only enumerated rights and interests, and no addi-  
4 tional rights, interests, obligations, or duties shall be cre-  
5 ated by implication.

6 (b) EXISTING RIGHTS.—To the extent there exists  
7 within the Area at the date of enactment of this Act any  
8 valid private property rights associated with the Piedra  
9 Lisa tract or other private land that is not otherwise ad-  
10 dressed in this subtitle, such rights are not modified or  
11 otherwise affected by this subtitle, nor is the exercise of  
12 any such right subject to the Pueblo's right to withhold  
13 consent to new uses in the Area as set forth in section  
14 1104(a)(3)(A).

15 (c) NOT PRECEDENT.—The provisions of this subtitle  
16 creating certain rights and interests in the National For-  
17 est System are uniquely suited to resolve the Pueblo's  
18 claim and the geographic and societal situation involved,  
19 and shall not be construed as precedent for any other situ-  
20 ation involving management of the National Forest Sys-  
21 tem.

22 (d) FISH AND WILDLIFE.—Except as provided in sec-  
23 tion 1107(b)(2)(B), nothing in this subtitle shall be con-  
24 strued as affecting the responsibilities of the State of New  
25 Mexico with respect to fish and wildlife, including the reg-  
26 ulation of hunting, fishing, or trapping within the Area.

1 (e) FEDERAL LAND POLICY AND MANAGEMENT  
 2 ACT.—Section 316 of the Federal Land Policy and Man-  
 3 agement Act of 1976 (43 U.S.C. 1746) is amended by  
 4 adding at the end the following: “Any corrections author-  
 5 ized by this section which affect the boundaries of, or ju-  
 6 risdiction over, land administered by another Federal  
 7 agency shall be made only after consultation with, and the  
 8 approval of, the head of such other agency.”

9 **SEC. 1111. JUDICIAL REVIEW.**

10 (a) ENFORCEMENT.—A civil action to enforce the  
 11 provisions of this subtitle may be brought to the extent  
 12 permitted under chapter 7 of title 5, United States Code.  
 13 Judicial review shall be based on the administrative record  
 14 and subject to the applicable standard of review set forth  
 15 in section 706 of title 5, United States Code.

16 (b) WAIVER.—A civil action may be brought against  
 17 the Pueblo for declaratory judgment or injunctive relief  
 18 under this subtitle, but no money damages, including costs  
 19 or attorney’s fees, may be imposed on the Pueblo as a  
 20 result of such judicial action.

21 (c) VENUE.—Venue for any civil action provided for  
 22 in this section, as well as any civil action to contest the  
 23 constitutionality of this subtitle, shall lie only in the  
 24 United States District Court for the District of New Mex-  
 25 ico.

1 **SEC. 1112. PROVISIONS RELATING TO CONTRIBUTIONS AND**  
2 **LAND EXCHANGE.**

3 (a) CONTRIBUTIONS.—

4 (1) IN GENERAL.—The Secretary may accept  
5 contributions from the Pueblo, or from other persons  
6 or governmental entities—

7 (A) to perform and complete a survey of  
8 the Area; or

9 (B) to carry out any other project or activ-  
10 ity for the benefit of the Area in accordance  
11 with this subtitle.

12 (2) DEADLINE.—Not later than 1 year after  
13 the date of enactment of this Act, the Secretary  
14 shall complete the survey of the Area under para-  
15 graph (1)(A).

16 (b) LAND EXCHANGE.—

17 (1) IN GENERAL.—Not later than 180 days  
18 after the date of enactment of this Act, after con-  
19 sultation with the Pueblo, the Secretary shall, in ac-  
20 cordance with applicable laws, prepare and offer a  
21 land exchange of National Forest land outside the  
22 Area and contiguous to the northern boundary of  
23 the Pueblo's Reservation within sections 10, 11, and  
24 14 of T12N, R4E, N.M.P.M., Sandoval County,  
25 New Mexico excluding Wilderness land, for land  
26 owned by the Pueblo in the Evergreen Hills subdivi-

1 sion in Sandoval County contiguous to National For-  
2 est land, and the La Luz tract in Bernalillo County.

3 (2) ACCEPTANCE OF PAYMENT.—Notwith-  
4 standing section 206(b) of the Federal Land Policy  
5 and Management Act (43 U.S.C. 1716(b)), the Sec-  
6 retary may either make or accept a cash equalization  
7 payment in excess of 25 percent of the total value  
8 of the land or interests transferred out of Federal  
9 ownership.

10 (3) FUNDS RECEIVED.—Any funds received by  
11 the Secretary as a result of the exchange shall be de-  
12 posited in the fund established under the Act of De-  
13 cember 4, 1967, known as the Sisk Act (16 U.S.C.  
14 484a), and shall be available to purchase non-Fed-  
15 eral land within or adjacent to the National Forests  
16 in the State of New Mexico.

17 (4) TREATMENT OF LAND EXCHANGED OR CON-  
18 VEYED.—All land exchanged or conveyed to the  
19 Pueblo is declared to be held in trust for the Pueblo  
20 by the United States and added to the Pueblo's Res-  
21 ervation subject to all existing and outstanding  
22 rights and shall remain in its natural state and shall  
23 not be subject to commercial development of any  
24 kind. Land exchanged or conveyed to the Forest

1 Service shall be subject to all limitations on use per-  
2 taining to the Area under this Act.

3 (5) FAILURE TO MAKE OFFER.—If the land ex-  
4 change offer is not made by the date that is 180  
5 days after the date of enactment of this Act, the  
6 Secretary shall submit to the Committee on Energy  
7 and Natural Resources of the United States Senate  
8 and the Committee on Resources of the United  
9 States House of Representatives, a report explaining  
10 the reasons for the failure to make the offer includ-  
11 ing an assessment of the need for any additional leg-  
12 islation that may be necessary for the exchange. If  
13 additional legislation is not necessary, the Secretary,  
14 consistent with this section, should proceed with the  
15 exchange pursuant to existing law.

16 (c) LAND ACQUISITION.—

17 (1) IN GENERAL.—The Secretary may acquire  
18 land owned by the Pueblo within the Evergreen Hills  
19 Subdivision in Sandoval County or any other pri-  
20 vately held land inside of the exterior boundaries of  
21 the Area. The boundaries of the Cibola National  
22 Forest and the Area shall be adjusted to encompass  
23 any land acquired pursuant to this section.

24 (2) ACQUISITION BY PUEBLO.—If the Pueblo  
25 acquires the Piedra Lisa tract, the Secretary shall

1       compensate the Pueblo for the fair market value  
2       of—

3               (A) the right-of-way established pursuant  
4               to section 1108(h)(3)(C); and

5               (B) the conservation easement established  
6               by the limitations on use of the Piedra Lisa  
7               tract pursuant to section 1108(b).

8       (d) REIMBURSEMENT OF CERTAIN COSTS.—

9               (1) IN GENERAL.—The Pueblo, the County of  
10       Bernalillo, New Mexico, and any person that owns  
11       or has owned property inside of the exterior bound-  
12       aries of the Area as designated on the map, and who  
13       has incurred actual and direct costs as a result of  
14       participating in the case of Pueblo of Sandia v. Bab-  
15       bitt, Civ. No. 94–2624 HHG (D.D.C.), or other pro-  
16       ceedings directly related to resolving the issues liti-  
17       gated in that case, may apply for reimbursement in  
18       accordance with this section. Costs directly related  
19       to such participation which shall qualify for reim-  
20       bursement shall be—

21               (A) dues or payments to a homeowner as-  
22               sociation for the purpose of legal representa-  
23               tion; and

24               (B) legal fees and related expenses.

1           (2) TREATMENT OF REIMBURSEMENT.—Any  
 2 reimbursement provided in this subsection shall be  
 3 in lieu of that which might otherwise be available  
 4 pursuant to the Equal Access to Justice Act (24  
 5 U.S.C. 2412).

6           (3) PAYMENTS.—The Secretary of the Treasury  
 7 shall make reimbursement payments as provided in  
 8 this section out of any money not otherwise appro-  
 9 priated.

10          (4) APPLICATIONS.—Applications for reim-  
 11 bursement shall be filed within 180 days of the date  
 12 of enactment of this Act with the Department of the  
 13 Treasury, Financial Management Service, Wash-  
 14 ington, D.C.

15          (5) MAXIMUM REIMBURSEMENT.—In no event  
 16 shall any 1 party be compensated in excess of  
 17 \$750,000 and the total amount reimbursed pursuant  
 18 to this section shall not exceed \$3,000,000.

19 **SEC. 1113. AUTHORIZATION OF APPROPRIATIONS.**

20       There are authorized to be appropriated such sums  
 21 as are necessary to carry out this subtitle, including such  
 22 sums as are necessary for the Forest Service, in accord-  
 23 ance with section 1112(c), to acquire ownership of, or  
 24 other interests in or to, land within the external bound-  
 25 aries of the Area.



1 **SEC. 1114. EFFECTIVE DATE.**

2       The provisions of this subtitle shall take effect imme-  
3 diately on enactment of this Act.

4       **Subtitle B—Pueblo de Cochiti**  
5               **Settlement**

6 **SEC. 1201. MODIFICATION OF PUEBLO DE COCHITI SETTLE-**  
7               **MENT.**

8       Section 1 of Public Law 102–358 (106 Stat. 960)  
9 is amended—

10           (1) by striking “implement the settlement” and  
11 inserting the following: “implement—

12           “(1) the settlement;”;

13           (2) by striking the period at the end and insert-  
14 ing “; and”; and

15           (3) by adding at the end the following:

16           “(2) the modifications regarding the use of the  
17 settlement funds as described in the agreement  
18 known as the ‘First Amendment to Operation and  
19 Maintenance Agreement for Implementation of  
20 Cochiti Wetlands Solution’, executed—

21           “(A) on October 22, 2001, by the Army  
22 Corps of Engineers;

23           “(B) on October 25, 2001, by the Pueblo  
24 de Cochiti of New Mexico; and

25           “(C) on November 8, 2001, by the Sec-  
26 retary of the Interior.”.

1 **TITLE II—WATER SETTLEMENTS**  
2 **AND WATER-RELATED PROVI-**  
3 **SIONS**

4 **Subtitle A—Zuni Heaven Restora-**  
5 **tion Water Rights Settlement**

6 **SEC. 2101. SHORT TITLE.**

7 This subtitle may be cited as the “Zuni Indian Tribe  
8 Water Rights Settlement Act of 2002”.

9 **SEC. 2102. FINDINGS AND PURPOSES.**

10 (a) FINDINGS.—Congress makes the following find-  
11 ings:

12 (1) It is the policy of the United States, in  
13 keeping with its trust responsibility to Indian tribes,  
14 to promote Indian self-determination, religious free-  
15 dom, political and cultural integrity, and economic  
16 self-sufficiency, and to settle, wherever possible, the  
17 water rights claims of Indian tribes without lengthy  
18 and costly litigation.

19 (2) Quantification of rights to water and devel-  
20 opment of facilities needed to use tribal water sup-  
21 plies effectively is essential to the development of  
22 viable Indian reservation communities, particularly  
23 in arid western States.

24 (3) On August 28, 1984, and by actions subse-  
25 quent thereto, the United States established a res-

1       ervation for the Zuni Indian Tribe in Apache Coun-  
2       ty, Arizona upstream from the confluence of the Lit-  
3       tle Colorado and Zuni Rivers for long-standing reli-  
4       gious and sustenance activities.

5           (4) The water rights of all water users in the  
6       Little Colorado River basin in Arizona have been in  
7       litigation since 1979, in the Superior Court of the  
8       State of Arizona in and for the County of Apache  
9       in Civil No. 6417, In re The General Adjudication  
10      of All Rights to Use Water in the Little Colorado  
11      River System and Source.

12          (5) Recognizing that the final resolution of the  
13      Zuni Indian Tribe's water claims through litigation  
14      will take many years and entail great expense to all  
15      parties, continue to limit the Tribe's access to water  
16      with economic, social, and cultural consequences to  
17      the Tribe, prolong uncertainty as to the availability  
18      of water supplies, and seriously impair the long-term  
19      economic planning and development of all parties,  
20      the Tribe and neighboring non-Indians have sought  
21      to settle their disputes to water and reduce the bur-  
22      dens of litigation.

23          (6) After more than 4 years of negotiations,  
24      which included participation by representatives of  
25      the United States, the Zuni Indian Tribe, the State

1 of Arizona, and neighboring non-Indian communities  
2 in the Little Colorado River basin, the parties have  
3 entered into a Settlement Agreement to resolve all of  
4 the Zuni Indian Tribe's water rights claims and to  
5 assist the Tribe in acquiring surface water rights, to  
6 provide for the Tribe's use of groundwater, and to  
7 provide for the wetland restoration of the Tribe's  
8 lands in Arizona.

9 (7) To facilitate the wetland restoration project  
10 contemplated under the Settlement Agreement, the  
11 Zuni Indian Tribe acquired certain lands along the  
12 Little Colorado River near or adjacent to its Res-  
13 ervation that are important for the success of the  
14 project and will likely acquire a small amount of  
15 similarly situated additional lands. The parties have  
16 agreed not to object to the United States taking title  
17 to certain of these lands into trust status; other  
18 lands shall remain in tribal fee status. The parties  
19 have worked extensively to resolve various govern-  
20 mental concerns regarding use of and control over  
21 those lands, and to provide a successful model for  
22 these types of situations, the State, local, and tribal  
23 governments intend to enter into an Intergovern-  
24 mental Agreement that addresses the parties' gov-  
25 ernmental concerns.

1           (8) Pursuant to the Settlement Agreement, the  
2       neighboring non-Indian entities will assist in the  
3       Tribe's acquisition of surface water rights and devel-  
4       opment of groundwater, store surface water supplies  
5       for the Zuni Indian Tribe, and make substantial ad-  
6       ditional contributions to carry out the Settlement  
7       Agreement's provisions.

8           (9) To advance the goals of Federal Indian pol-  
9       icy and consistent with the trust responsibility of the  
10      United States to the Tribe, it is appropriate that the  
11      United States participate in the implementation of  
12      the Settlement Agreement and contribute funds for  
13      the rehabilitation of religious riparian areas and  
14      other purposes to enable the Tribe to use its water  
15      entitlement in developing its Reservation.

16      (b) PURPOSES.—The purposes of this subtitle are—

17           (1) to approve, ratify, and confirm the Settle-  
18      ment Agreement entered into by the Tribe and  
19      neighboring non-Indians;

20           (2) to authorize and direct the Secretary of the  
21      Interior to execute and perform the Settlement  
22      Agreement and related waivers;

23           (3) to authorize and direct the United States to  
24      take legal title and hold such title to certain lands  
25      in trust for the benefit of the Zuni Indian Tribe; and

1           (4) to authorize the actions, agreements, and  
 2           appropriations as provided for in the Settlement  
 3           Agreement and this subtitle.

4 **SEC. 2103. DEFINITIONS.**

5           In this subtitle:

6           (1) EASTERN LCR BASIN.—The term “Eastern  
 7           LCR basin” means the portion of the Little Colo-  
 8           rado River basin in Arizona upstream of the con-  
 9           fluence of Silver Creek and the Little Colorado  
 10          River, as identified on Exhibit 2.10 of the Settle-  
 11          ment Agreement.

12          (2) FUND.—The term “Fund” means the Zuni  
 13          Indian Tribe Water Rights Development Fund es-  
 14          tablished by section 2106(a).

15          (3) INTERGOVERNMENTAL AGREEMENT.—The  
 16          term “Intergovernmental Agreement” means the  
 17          intergovernmental agreement between the Zuni In-  
 18          dian Tribe, Apache County, Arizona and the State  
 19          of Arizona described in article 6 of the Settlement  
 20          Agreement.

21          (4) PUMPING PROTECTION AGREEMENT.—The  
 22          term “Pumping Protection Agreement” means an  
 23          agreement, described in article 5 of the Settlement  
 24          Agreement, between the Zuni Tribe, the United  
 25          States on behalf of the Tribe, and a local landowner

1 under which the landowner agrees to limit pumping  
2 of groundwater on his lands in exchange for a waiv-  
3 er of certain claims by the Zuni Tribe and the  
4 United States on behalf of the Tribe.

5 (5) RESERVATION; ZUNI HEAVEN RESERVA-  
6 TION.—The term “Reservation” or “Zuni Heaven  
7 Reservation”, also referred to as “Kolhu:wala:wa”,  
8 means the following property in Apache County, Ari-  
9 zona: Sections 26, 27, 28, 33, 34, and 35, Township  
10 15 North, Range 26 East, Gila and Salt River Base  
11 and Meridian; and Sections 2, 3, 4, 9, 10, 11, 13,  
12 14, 15, 16, 23, 26, and 27, Township 14 North,  
13 Range 26 East, Gila and Salt River Base and Me-  
14 ridian.

15 (6) SECRETARY.—The term “Secretary” means  
16 the Secretary of the Interior.

17 (7) SETTLEMENT AGREEMENT.—The term  
18 “Settlement Agreement” means that agreement  
19 dated June 7, 2002, together with all exhibits there-  
20 to. The parties to the Settlement Agreement include  
21 the Zuni Indian Tribe and its members, the United  
22 States on behalf of the Tribe and its members, the  
23 State of Arizona, the Arizona Game and Fish Com-  
24 mission, the Arizona State Land Department, the  
25 Arizona State Parks Board, the St. Johns Irrigation

1 and Ditch Co., the Lyman Water Co., the Round  
 2 Valley Water Users' Association, the Salt River  
 3 Project Agricultural Improvement and Power Dis-  
 4 trict, the Tucson Electric Power Company, the City  
 5 of St. Johns, the Town of Eagar, and the Town of  
 6 Springerville.

7 (8) SRP.—The term “SRP” means the Salt  
 8 River Project Agricultural Improvement and Power  
 9 District, a political subdivision of the State of Ari-  
 10 zona.

11 (9) TEP.—The term “TEP” means Tucson  
 12 Electric Power Company.

13 (10) TRIBE, ZUNI TRIBE, OR ZUNI INDIAN  
 14 TRIBE.—The terms “Tribe”, “Zuni Tribe”, or “Zuni  
 15 Indian Tribe” means the body politic and federally  
 16 recognized Indian nation, and its members.

17 (11) ZUNI LANDS.—The term “Zuni Lands”  
 18 means all the following lands, in the State of Ari-  
 19 zona, that, on the effective date described in section  
 20 2109(a), are—

21 (A) within the Zuni Heaven Reservation;

22 (B) held in trust by the United States for  
 23 the benefit of the Tribe or its members; or

24 (C) held in fee within the Little Colorado  
 25 River basin by or for the Tribe.



1 **SEC. 2104. AUTHORIZATION, RATIFICATIONS, AND CON-**  
2 **FIRMATIONS.**

3 (a) SETTLEMENT AGREEMENT.—To the extent the  
4 Settlement Agreement does not conflict with the provi-  
5 sions of this subtitle, such Settlement Agreement is hereby  
6 approved, ratified, confirmed, and declared to be valid.  
7 The Secretary is authorized and directed to execute the  
8 Settlement Agreement and any amendments approved by  
9 the parties necessary to make the Settlement Agreement  
10 consistent with this subtitle. The Secretary is further au-  
11 thorized to perform any actions required by the Settlement  
12 Agreement and any amendments to the Settlement Agree-  
13 ment that may be mutually agreed upon by the parties  
14 to the Settlement Agreement.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to the Zuni Indian Tribe  
17 Water Rights Development Fund established in section  
18 2106(a), \$19,250,000, to be allocated by the Secretary as  
19 follows:

20 (1) \$3,500,000 for fiscal year 2004, to be used  
21 for the acquisition of water rights and associated  
22 lands, and other activities carried out, by the Zuni  
23 Tribe to facilitate the enforceability of the Settle-  
24 ment Agreement, including the acquisition of at  
25 least 2,350 acre-feet per year of water rights before  
26 the deadline described in section 2109(b).

1           (2) \$15,750,000, of which \$5,250,000 shall be  
 2       made available for each of fiscal years 2004, 2005,  
 3       and 2006, to take actions necessary to restore, reha-  
 4       bilitate, and maintain the Zuni Heaven Reservation,  
 5       including the Sacred Lake, wetlands, and riparian  
 6       areas as provided for in the Settlement Agreement  
 7       and under this subtitle.

8       (c) OTHER AGREEMENTS.—Except as provided in  
 9       section 2109, the following 3 separate agreements, to-  
 10      gether with all amendments thereto, are approved, rati-  
 11      fied, confirmed, and declared to be valid:

12           (1) The agreement between SRP, the Zuni  
 13      Tribe, and the United States on behalf of the Tribe,  
 14      dated June 7, 2002.

15           (2) The agreement between TEP, the Zuni  
 16      Tribe, and the United States on behalf of the Tribe,  
 17      dated June 7, 2002.

18           (3) The agreement between the Arizona State  
 19      Land Department, the Zuni Tribe, and the United  
 20      States on behalf of the Tribe, dated June 7, 2002.

21 **SEC. 2105. TRUST LANDS.**

22       (a) NEW TRUST LANDS.—Upon satisfaction of the  
 23      conditions in paragraph 6.2 of the Settlement Agreement,  
 24      and after the requirements of section 2109(a) have been

1 met, the Secretary shall take the legal title of the following  
 2 lands into trust for the benefit of the Zuni Tribe:

3 (1) In T. 14 N., R. 27 E., Gila and Salt River  
 4 Base and Meridian:

5 (A) Section 13: SW  $\frac{1}{4}$ , S  $\frac{1}{2}$  NE  $\frac{1}{4}$  SE  
 6  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

7 (B) Section 23: N  $\frac{1}{2}$ , N  $\frac{1}{2}$  SW  $\frac{1}{4}$ , N  
 8  $\frac{1}{2}$  SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , N  $\frac{1}{2}$  SW  $\frac{1}{4}$  SE  
 9  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

10 (C) Section 24: NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , S  $\frac{1}{2}$   
 11 NE  $\frac{1}{4}$ , N  $\frac{1}{2}$  SE  $\frac{1}{4}$ ; and

12 (D) Section 25: N  $\frac{1}{2}$  NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  NE  
 13  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ .

14 (2) In T. 14 N., R. 28 E., Gila and Salt River  
 15 Base and Meridian:

16 (A) Section 19: W  $\frac{1}{2}$  E  $\frac{1}{2}$  NW  $\frac{1}{4}$ , W  
 17  $\frac{1}{2}$  NW  $\frac{1}{4}$ , W  $\frac{1}{2}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$   
 18 SW  $\frac{1}{4}$ , S  $\frac{1}{2}$  SW  $\frac{1}{4}$ ;

19 (B) Section 29: SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ,  
 20 NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , S  $\frac{1}{2}$  N  $\frac{1}{2}$  SW  $\frac{1}{4}$ ,  
 21 S  $\frac{1}{2}$  SW  $\frac{1}{4}$ , S  $\frac{1}{2}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$   
 22 SE  $\frac{1}{4}$ ;

23 (C) Section 30: W  $\frac{1}{2}$ , SE  $\frac{1}{4}$ ; and

24 (D) Section 31: N  $\frac{1}{2}$  NE  $\frac{1}{4}$ , N  $\frac{1}{2}$  S  $\frac{1}{2}$   
 25 NE  $\frac{1}{4}$ , S  $\frac{1}{2}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , E

1           1/2 SW 1/4, N 1/2 NW 1/4 SW 1/4, SE 1/4  
 2           NW 1/4 SW 1/4, E 1/2 SW 1/4 SW 1/4, SW  
 3           1/4 SW 1/4 SW 1/4.

4           (b) FUTURE TRUST LANDS.—Upon satisfaction of  
 5 the conditions in paragraph 6.2 of the Settlement Agree-  
 6 ment, after the requirements of section 2109(a) have been  
 7 met, and upon acquisition by the Zuni Tribe, the Sec-  
 8 retary shall take the legal title of the following lands into  
 9 trust for the benefit of the Zuni Tribe:

10           (1) In T. 14 N., R. 26E., Gila and Salt River  
 11 Base and Meridian: Section 25: N 1/2 NE 1/4, N  
 12 1/2 S 1/2 NE 1/4, NW 1/4, N 1/2 NE 1/4 SW 1/  
 13 4, NE 1/4 NW 1/4 SW 1/4.

14           (2) In T. 14 N., R. 27 E., Gila and Salt River  
 15 Base and Meridian:

16           (A) Section 14: SE 1/4 SW 1/4, SE 1/4;

17           (B) Section 16: S 1/2 SW 1/4 SE 1/4;

18           (C) Section 19: S 1/2 SE 1/4 SE 1/4;

19           (D) Section 20: S 1/2 SW 1/4 SW 1/4, E  
 20 1/2 SE 1/4 SE 1/4;

21           (E) Section 21: N 1/2 NE 1/4, E 1/2 NE  
 22 1/4 NW 1/4, SE 1/4 NW 1/4, W 1/2 SW 1/4  
 23 NE 1/4, N 1/2 NE 1/4 SW 1/4, SW 1/4 NE  
 24 1/4 SW 1/4, E 1/2 NW 1/4 SW 1/4, SW 1/4  
 25 NW 1/4 SW 1/4, W 1/2 SW 1/4 SW 1/4;

1 (F) Section 22: SW 1/4 NE 1/4 NE 1/4,  
 2 NW 1/4 NE 1/4, S 1/2 NE 1/4, N 1/2 NW 1/  
 3 4, SE 1/4 NW1/4, N 1/2 SW 1/4 NW 1/4, SE  
 4 1/4 SW 1/4 NW 1/4, N 1/2 N 1/2 SE 1/4, N  
 5 1/2 NE 1/4 SW 1/4;

6 (G) Section 24: N 1/2 NE 1/4, S 1/2 SE  
 7 1/4;

8 (H) Section 29: N 1/2 N 1/2;

9 (I) Section 30: N 1/2 N 1/2, N 1/2 S 1/  
 10 2 NW 1/4, N 1/2 SW 1/4 NE 1/4; and

11 (J) Section 36: SE 1/4 SE 1/4 NE 1/4,  
 12 NE 1/4 NE 1/4 SE 1/4.

13 (3) In T. 14 N., R. 28 E., Gila and Salt River  
 14 Base and Meridian:

15 (A) Section 18: S 1/2 NE 1/4, NE 1/4 SW  
 16 1/4, NE 1/4 NW 1/4 SW 1/4, S 1/2 NW 1/4  
 17 SW 1/4, S 1/2 SW 1/4, N 1/2 SE 1/4, N 1/2  
 18 SW 1/4 SE 1/4, SE 1/4 SE 1/4;

19 (B) Section 30: S 1/2 NE 1/4, W 1/2 NW  
 20 1/4 NE 1/4; and

21 (C) Section 32: N 1/2 NW 1/4 NE 1/4,  
 22 SW 1/4 NE 1/4, S 1/2 SE 1/4 NE 1/4, NW 1/  
 23 4, SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4, N  
 24 1/2 SE 1/4 SE 1/4, SW 1/4 SE 1/4 SE 1/4.

1       (c) NEW RESERVATION LANDS.—Upon satisfaction  
2 of the conditions in paragraph 6.2 of the Settlement  
3 Agreement, after the requirements of section 2109(a) have  
4 been met, and upon acquisition by the Zuni Tribe, the Sec-  
5 retary shall take the legal title of the following lands in  
6 Arizona into trust for the benefit of the Zuni Tribe and  
7 make such lands part of the Zuni Indian Tribe Reserva-  
8 tion in Arizona: Section 34, T. 14 N., R. 26 E., Gila and  
9 Salt River Base and Meridian.

10       (d) LIMITATION ON SECRETARIAL DISCRETION.—  
11 The Secretary shall have no discretion regarding the ac-  
12 quisitions described in subsections (a), (b), and (c).

13       (e) LANDS REMAINING IN FEE STATUS.—The Zuni  
14 Tribe may seek to have the legal title to additional lands  
15 in Arizona, other than the lands described in subsection  
16 (a), (b), or (c), taken into trust by the United States for  
17 the benefit of the Zuni Indian Tribe pursuant only to an  
18 Act of Congress enacted after the date of enactment of  
19 this Act specifically authorizing the transfer for the ben-  
20 efit of the Zuni Tribe.

21       (f) FINAL AGENCY ACTION.—Any written certifi-  
22 cation by the Secretary under subparagraph 6.2.B of the  
23 Settlement Agreement constitutes final agency action  
24 under the Administrative Procedure Act and is reviewable

1 as provided for under chapter 7 of title 5, United States  
2 Code.

3 (g) NO FEDERAL WATER RIGHTS.—Lands taken  
4 into trust pursuant to subsection (a), (b), or (c) shall not  
5 have Federal reserved rights to surface water or ground-  
6 water.

7 (h) STATE WATER RIGHTS.—The water rights and  
8 uses for the lands taken into trust pursuant to subsection  
9 (a) or (c) must be determined under subparagraph 4.1.A  
10 and article 5 of the Settlement Agreement. With respect  
11 to the lands taken into trust pursuant to subsection (b),  
12 the Zuni Tribe retains any rights or claims to water asso-  
13 ciated with these lands under State law, subject to the  
14 terms of the Settlement Agreement.

15 (i) FORFEITURE AND ABANDONMENT.—Water rights  
16 that are appurtenant to lands taken into trust pursuant  
17 to subsection (a), (b), or (c) shall not be subject to for-  
18 feiture and abandonment.

19 (j) AD VALOREM TAXES.—With respect to lands that  
20 are taken into trust pursuant to subsection (a) or (b), the  
21 Zuni Tribe shall make payments in lieu of all current and  
22 future State, county, and local ad valorem property taxes  
23 that would otherwise be applicable to those lands if they  
24 were not in trust.

1 (k) AUTHORITY OF TRIBE.—For purposes of com-  
 2 plying with this section and article 6 of the Settlement  
 3 Agreement, the Tribe is authorized to enter into—

4 (1) the Intergovernmental Agreement between  
 5 the Zuni Tribe, Apache County, Arizona, and the  
 6 State of Arizona; and

7 (2) any intergovernmental agreement required  
 8 to be entered into by the Tribe under the terms of  
 9 the Intergovernmental Agreement.

10 (l) FEDERAL ACKNOWLEDGEMENT OF INTERGOV-  
 11 ERNMENTAL AGREEMENTS.—

12 (1) IN GENERAL.—The Secretary shall acknowl-  
 13 edge the terms of any intergovernmental agreement  
 14 entered into by the Tribe under this section.

15 (2) NO ABROGATION.—The Secretary shall not  
 16 seek to abrogate, in any administrative or judicial  
 17 action, the terms of any intergovernmental agree-  
 18 ment that are consistent with subparagraph 6.2.A of  
 19 the Settlement Agreement and this subtitle.

20 (3) REMOVAL.—

21 (A) IN GENERAL.—Except as provided in  
 22 subparagraph (B), if a judicial action is com-  
 23 menced during a dispute over any intergovern-  
 24 mental agreement entered into under this sec-  
 25 tion, and the United States is allowed to inter-



1           vene in such action, the United States shall not  
2           remove such action to the Federal courts.

3           (B) EXCEPTION.—The United States may  
4           seek removal if—

5                   (i) the action concerns the Secretary’s  
6                   decision regarding the issuance of rights-  
7                   of-way under section 2108(c);

8                   (ii) the action concerns the authority  
9                   of a Federal agency to administer pro-  
10                  grams or the issuance of a permit under—

11                           (I) the Federal Water Pollution  
12                           Control Act (33 U.S.C. 1251 et seq.);

13                           (II) the Safe Drinking Water Act  
14                           (42 U.S.C. 300f et seq.);

15                           (III) the Clean Air Act (42  
16                           U.S.C. 7401 et seq.); or

17                           (IV) any other Federal law spe-  
18                           cifically addressed in intergovern-  
19                           mental agreements; or

20                   (iii) the intergovernmental agreement  
21                   is inconsistent with a Federal law for the  
22                   protection of civil rights, public health, or  
23                   welfare.

24           (m) RULE OF CONSTRUCTION.—Nothing in this sub-  
25           title shall be construed to affect the application of the Act

1 of May 25, 1918 (25 U.S.C. 211) within the State of Ari-  
 2 zona.

3 (n) DISCLAIMER.—Nothing in this section repeals,  
 4 modifies, amends, changes, or otherwise affects the Sec-  
 5 retary’s obligations to the Zuni Tribe pursuant to the Act  
 6 entitled “An Act to convey certain lands to the Zuni In-  
 7 dian Tribe for religious purposes” approved August 28,  
 8 1984 (Public Law 98-408; 98 Stat. 1533) (and as amend-  
 9 ed by the Zuni Land Conservation Act of 1990 (Public  
 10 Law 101-486; 104 Stat. 1174)).

11 **SEC. 2106. DEVELOPMENT FUND.**

12 (a) ESTABLISHMENT OF THE FUND.—

13 (1) IN GENERAL.—There is established in the  
 14 Treasury of the United States a fund to be known  
 15 as the “Zuni Indian Tribe Water Rights Develop-  
 16 ment Fund”, to be managed and invested by the  
 17 Secretary, consisting of—

18 (A) the amounts authorized to be appro-  
 19 priated in section 2104(b); and

20 (B) the appropriation to be contributed by  
 21 the State of Arizona pursuant to paragraph 7.6  
 22 of the Settlement Agreement.

23 (2) ADDITIONAL DEPOSITS.—The Secretary  
 24 shall deposit in the Fund any other monies paid to

1 the Secretary on behalf of the Zuni Tribe pursuant  
2 to the Settlement Agreement.

3 (b) MANAGEMENT OF THE FUND.—The Secretary  
4 shall manage the Fund, make investments from the Fund,  
5 and make monies available from the Fund for distribution  
6 to the Zuni Tribe consistent with the American Indian  
7 Trust Fund Management Reform Act of 1994 (25 U.S.C.  
8 4001 et seq.) (referred to in this section as the “Trust  
9 Fund Reform Act”), this subtitle, and the Settlement  
10 Agreement.

11 (c) INVESTMENT OF THE FUND.—The Secretary  
12 shall invest amounts in the Fund in accordance with—

13 (1) the Act of April 1, 1880 (21 Stat. 70, ch.  
14 41, 25 U.S.C. 161);

15 (2) the first section of the Act of June 24,  
16 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

17 (3) subsection (b).

18 (d) AVAILABILITY OF AMOUNTS FROM THE FUND.—  
19 The funds authorized to be appropriated pursuant to sec-  
20 tion 3104(b)(2) and funds contributed by the State of Ari-  
21 zona pursuant to paragraph 7.6 of the Settlement Agree-  
22 ment shall be available for expenditure or withdrawal only  
23 after the requirements of section 2109(a) have been met.

24 (e) EXPENDITURES AND WITHDRAWAL.—

25 (1) TRIBAL MANAGEMENT PLAN.—

1           (A) IN GENERAL.—The Zuni Tribe may  
2           withdraw all or part of the Fund on approval  
3           by the Secretary of a tribal management plan  
4           as described in the Trust Fund Reform Act.

5           (B) REQUIREMENTS.—In addition to the  
6           requirements under the Trust Fund Reform  
7           Act, the tribal management plan shall require  
8           that the Zuni Tribe spend any funds in accord-  
9           ance with the purposes described in section  
10          2104(b).

11          (2) ENFORCEMENT.—The Secretary may take  
12          judicial or administrative action to enforce the provi-  
13          sions of any tribal management plan to ensure that  
14          any monies withdrawn from the Fund under the  
15          plan are used in accordance with this subtitle.

16          (3) LIABILITY.—If the Zuni Tribe exercises the  
17          right to withdraw monies from the Fund, neither the  
18          Secretary nor the Secretary of the Treasury shall re-  
19          tain any liability for the expenditure or investment  
20          of the monies withdrawn.

21          (4) EXPENDITURE PLAN.—

22                (A) IN GENERAL.—The Zuni Tribe shall  
23                submit to the Secretary for approval an expend-  
24                iture plan for any portion of the funds made

1           available under this subtitle that the Zuni Tribe  
2           does not withdraw under this subsection.

3           (B) DESCRIPTION.—The expenditure plan  
4           shall describe the manner in which, and the  
5           purposes for which, funds of the Zuni Tribe re-  
6           maining in the Fund will be used.

7           (C) APPROVAL.—On receipt of an expendi-  
8           ture plan under subparagraph (A), the Sec-  
9           retary shall approve the plan if the Secretary  
10          determines that the plan is reasonable and con-  
11          sistent with this subtitle.

12          (5) ANNUAL REPORT.—The Zuni Tribe shall  
13          submit to the Secretary an annual report that de-  
14          scribes all expenditures from the Fund during the  
15          year covered by the report.

16          (f) FUNDS FOR ACQUISITION OF WATER RIGHTS.—

17               (1) WATER RIGHTS ACQUISITIONS.—Notwith-  
18               standing subsection (e), the funds authorized to be  
19               appropriated pursuant to section 2104(b)(1)—

20                       (A) shall be available upon appropriation  
21                       for use in accordance with section 2104(b)(1);  
22                       and

23                       (B) shall be distributed by the Secretary to  
24                       the Zuni Tribe on receipt by the Secretary from  
25                       the Zuni Tribe of a written notice and a tribal

1 council resolution that describe the purposes for  
2 which the funds will be used.

3 (2) RIGHT TO SET OFF.—In the event the re-  
4 quirements of section 2109(a) have not been met  
5 and the Settlement Agreement has become null and  
6 void under section 2109(b), the United States shall  
7 be entitled to set off any funds expended or with-  
8 drawn from the amount appropriated pursuant to  
9 section 2104(b)(1), together with any interest ac-  
10 crued, against any claims asserted by the Zuni Tribe  
11 against the United States relating to water rights at  
12 the Zuni Heaven Reservation.

13 (3) WATER RIGHTS.—Any water rights ac-  
14 quired with funds described in paragraph (1) shall  
15 be credited against any water rights secured by the  
16 Zuni Tribe, or the United States on behalf of the  
17 Zuni Tribe, for the Zuni Heaven Reservation in the  
18 Little Colorado River General Stream Adjudication  
19 or in any future settlement of claims for those water  
20 rights.

21 (g) NO PER CAPITA DISTRIBUTIONS.—No part of the  
22 Fund shall be distributed on a per capita basis to members  
23 of the Zuni Tribe.

1 **SEC. 2107. CLAIMS EXTINGUISHMENT; WAIVERS AND RE-**  
2 **LEASES.**

3 (a) FULL SATISFACTION OF MEMBERS' CLAIMS.—

4 (1) IN GENERAL.—The benefits realized by the  
5 Tribe and its members under this subtitle, including  
6 retention of any claims and rights, shall constitute  
7 full and complete satisfaction of all members' claims  
8 for—

9 (A) water rights under Federal, State, and  
10 other laws (including claims for water rights in  
11 groundwater, surface water, and effluent) for  
12 Zuni Lands from time immemorial through the  
13 effective date described in section 2109(a) and  
14 any time thereafter; and

15 (B) injuries to water rights under Federal,  
16 State, and other laws (including claims for  
17 water rights in groundwater, surface water, and  
18 effluent, claims for damages for deprivation of  
19 water rights, and claims for changes to under-  
20 ground water table levels) for Zuni Lands from  
21 time immemorial through the effective date de-  
22 scribed in section 2109(a).

23 (2) NO RECOGNITION OR ESTABLISHMENT OF  
24 INDIVIDUAL WATER RIGHT.—Nothing in this subtitle  
25 recognizes or establishes any right of a member of  
26 the Tribe to water on the Reservation.

1       (b) TRIBE AND UNITED STATES AUTHORIZATION  
2 AND WATER QUANTITY WAIVERS.—The Tribe, on behalf  
3 of itself and its members and the Secretary on behalf of  
4 the United States in its capacity as trustee for the Zuni  
5 Tribe and its members, are authorized, as part of the per-  
6 formance of their obligations under the Settlement Agree-  
7 ment, to execute a waiver and release, subject to para-  
8 graph 11.4 of the Settlement Agreement, for claims  
9 against the State of Arizona, or any agency or political  
10 subdivision thereof, or any other person, entity, corpora-  
11 tion, or municipal corporation, under Federal, State, or  
12 other law for any and all—

13           (1) past, present, and future claims to water  
14 rights (including water rights in groundwater, sur-  
15 face water, and effluent) for Zuni Lands from time  
16 immemorial through the effective date described in  
17 section 2109(a) and any time thereafter, except for  
18 claims within the Zuni Protection Area as provided  
19 in article 5 of the Settlement Agreement;

20           (2) past and present claims for injuries to  
21 water rights (including water rights in groundwater,  
22 surface water, and effluent and including claims for  
23 damages for deprivation of water rights and any  
24 claims for changes to underground water table lev-



1       els) for Zuni Lands from time immemorial through  
2       the effective date described in section 2109(a); and  
3       (3) past, present, and future claims for water  
4       rights and injuries to water rights (including water  
5       rights in groundwater, surface water, and effluent  
6       and including any claims for damages for depriva-  
7       tion of water rights and any claims for changes to  
8       underground water table levels) from time immemo-  
9       rial through the effective date described in section  
10      2109(a), and any time thereafter, for lands outside  
11      of Zuni Lands but located within the Little Colorado  
12      River basin in Arizona, based upon aboriginal occu-  
13      pancy of lands by the Zuni Tribe or its predecessors.

14      (c) TRIBAL WAIVERS AGAINST THE UNITED  
15 STATES.—The Tribe is authorized, as part of the perform-  
16 ance of its obligations under the Settlement Agreement,  
17 to execute a waiver and release, subject to paragraphs  
18 11.4 and 11.6 of the Settlement Agreement, for claims  
19 against the United States (acting in its capacity as trustee  
20 for the Zuni Tribe or its members, or otherwise acting  
21 on behalf of the Zuni Tribe or its members), including  
22 any agencies, officials, or employees thereof, for any and  
23 all—

24           (1) past, present, and future claims to water  
25       rights (including water rights in groundwater, sur-

1 face water, and effluent) for Zuni Lands, from time  
2 immemorial through the effective date described in  
3 section 2109(a) and any time thereafter;

4 (2) past and present claims for injuries to  
5 water rights (including water rights in groundwater,  
6 surface water, and effluent and any claims for dam-  
7 ages for deprivation of water rights) for Zuni Lands  
8 from time immemorial through the effective date de-  
9 scribed in section 2109(a);

10 (3) past, present, and future claims for water  
11 rights and injuries to water rights (including water  
12 rights in groundwater, surface water, and effluent  
13 and any claims for damages for deprivation of water  
14 rights) from time immemorial through the effective  
15 date described in section 2109(a), and any time  
16 thereafter, for lands outside of Zuni Lands but lo-  
17 cated within the Little Colorado River basin in Ari-  
18 zona, based upon aboriginal occupancy of lands by  
19 the Zuni Tribe or its predecessors;

20 (4) past and present claims for failure to pro-  
21 tect, acquire, or develop water rights of, or failure  
22 to protect water quality for, the Zuni Tribe within  
23 the Little Colorado River basin in Arizona from time  
24 immemorial through the effective date described in  
25 section 2109(a); and

1           (5) claims for breach of the trust responsibility  
2       of the United States to the Zuni Tribe arising out  
3       of the negotiation of the Settlement Agreement or  
4       this subtitle.

5       (d) TRIBAL WAIVER OF WATER QUALITY CLAIMS  
6       AND INTERFERENCE WITH TRUST CLAIMS.—

7           (1) CLAIMS AGAINST THE STATE AND OTH-  
8       ERS.—

9           (A) INTERFERENCE WITH TRUST RESPON-  
10       SIBILITY.—The Tribe, on behalf of itself and its  
11       members, is authorized, as part of the perform-  
12       ance of its obligations under the Settlement  
13       Agreement, to waive and release all claims  
14       against the State of Arizona, or any agency or  
15       political subdivision thereof, or any other per-  
16       son, entity, corporation, or municipal corpora-  
17       tion under Federal, State, or other law, for  
18       claims of interference with the trust responsi-  
19       bility of the United States to the Zuni Tribe  
20       arising out of the negotiation of the Settlement  
21       Agreement or this subtitle.

22           (B) INJURY OR THREAT OF INJURY TO  
23       WATER QUALITY.—The Tribe, on behalf of itself  
24       and its members, is authorized, as part of the  
25       performance of its obligations under the Settle-

1           ment Agreement, to waive and release, subject  
2           to paragraphs 11.4, 11.6, and 11.7 of the Set-  
3           tlement Agreement, all claims against the State  
4           of Arizona, or any agency or political subdivi-  
5           sion thereof, or any other person, entity, cor-  
6           poration, or municipal corporation under Fed-  
7           eral, State, or other law, for—

8                   (i) any and all past and present  
9                   claims, including natural resource damage  
10                  claims under the Comprehensive Environ-  
11                  mental Response, Compensation, and Li-  
12                  ability Act of 1980 (42 U.S.C. 9601 et  
13                  seq.), the Oil Pollution Act of 1990 (33  
14                  U.S.C. 2701 et seq.), or any other applica-  
15                  ble statute, for injury to water quality ac-  
16                  cruing from time immemorial through the  
17                  effective date described in section 2109(a),  
18                  for lands within the Little Colorado River  
19                  basin in the State of Arizona; and

20                  (ii) any and all future claims, includ-  
21                  ing natural resource damage claims under  
22                  the Comprehensive Environmental Re-  
23                  sponse, Compensation, and Liability Act of  
24                  1980 (42 U.S.C. 9601 et seq.), the Oil  
25                  Pollution Act of 1990 (33 U.S.C. 2701 et

1 seq.), or any other applicable statute, for  
2 injury or threat of injury to water quality,  
3 accruing after the effective date described  
4 in section 2109(a), for any lands within  
5 the Eastern LCR basin caused by—

6 (I) the lawful diversion or use of  
7 surface water;

8 (II) the lawful withdrawal or use  
9 of underground water, except within  
10 the Zuni Protection Area, as provided  
11 in article 5 of the Settlement Agree-  
12 ment;

13 (III) the Parties' performance of  
14 any obligations under the Settlement  
15 Agreement;

16 (IV) the discharge of oil associ-  
17 ated with routine physical or mechan-  
18 ical maintenance of wells or diversion  
19 structures not inconsistent with appli-  
20 cable law;

21 (V) the discharge of oil associ-  
22 ated with routine start-up and oper-  
23 ation of well pumps not inconsistent  
24 with applicable law; or

1 (VI) any combination of the  
2 causes described in subclauses (I)  
3 through (V).

4 (2) CLAIMS OF THE UNITED STATES.—The  
5 Tribe, on behalf of itself and its members, is author-  
6 ized to waive its right to request that the United  
7 States bring—

8 (A) any claims for injuries to water quality  
9 under the natural resource damage provisions  
10 of the Comprehensive Environmental Response,  
11 Compensation, and Liability Act of 1980 (42  
12 U.S.C. 9601 et seq.), the Oil Pollution Act of  
13 1990 (33 U.S.C. 2701 et seq.) or any other ap-  
14 plicable statute, for lands within the Little Col-  
15 orado River Basin in the State of Arizona, ac-  
16 cruing from time immemorial through the effec-  
17 tive date described in section 2109(a); and

18 (B) any future claims for injuries or threat  
19 of injury to water quality under the natural re-  
20 source damage provisions of the Comprehensive  
21 Environmental Response, Compensation, and  
22 Liability Act of 1980 (42 U.S.C. 9601 et seq.),  
23 the Oil Pollution Act of 1990 (33 U.S.C. 2701  
24 et seq.), or any other applicable statute, accru-  
25 ing after the effective date described in section

1           2109(a), for any lands within the Eastern LCR  
2           basin, caused by—

3                   (i) the lawful diversion or use of sur-  
4                   face water;

5                   (ii) the lawful withdrawal or use of  
6                   underground water, except within the Zuni  
7                   Protection Area, as provided in article 5 of  
8                   the Settlement Agreement;

9                   (iii) the Parties' performance of any  
10                  obligations under the Settlement Agree-  
11                  ment;

12                  (iv) the discharge of oil associated  
13                  with routine physical or mechanical main-  
14                  tenance of wells or diversion structures not  
15                  inconsistent with applicable law;

16                  (v) the discharge of oil associated with  
17                  routine start-up and operation of well  
18                  pumps not inconsistent with applicable law;  
19                  or

20                  (vi) any combination of the causes de-  
21                  scribed in clauses (i) through (v).

22           (3) LIMITATIONS.—Notwithstanding the au-  
23           thorization for the Tribe's waiver of future water  
24           quality claims in paragraph (1)(B)(ii) and the waiv-  
25           er in paragraph (2)(B), the Tribe, on behalf of itself

1 and its members, retains any statutory claims for in-  
 2 jury or threat of injury to water quality under the  
 3 Comprehensive Environmental Response, Compensation,  
 4 tion, and Liability Act of 1980 (42 U.S.C. 9601 et  
 5 seq.) and the Oil Pollution Act of 1990 (33 U.S.C.  
 6 2701 et seq.), as described in subparagraph  
 7 11.4(D)(3) and (4) of the Settlement Agreement,  
 8 that accrue at least 30 years after the effective date  
 9 described in section 2109(a).

10 (e) WAIVER OF UNITED STATES WATER QUALITY  
 11 CLAIMS RELATED TO SETTLEMENT LAND AND WATER.—

12 (1) PAST AND PRESENT CLAIMS.—As part of  
 13 the performance of its obligations under the Settle-  
 14 ment Agreement, the United States waives and re-  
 15 leases, subject to the retentions in paragraphs 11.4,  
 16 11.6 and 11.7 of the Settlement Agreement, all  
 17 claims against the State of Arizona, or any agency  
 18 or political subdivision thereof, or any other person,  
 19 entity, corporation, or municipal corporation for—

20 (A) all past and present common law  
 21 claims accruing from time immemorial through  
 22 the effective date described in section 2109(a)  
 23 arising from or relating to water quality in  
 24 which the injury asserted is to the Tribe's inter-  
 25 est in water, trust land, and natural resources



1 in the Little Colorado River basin in the State  
2 of Arizona; and

3 (B) all past and present natural resource  
4 damage claims accruing through the effective  
5 date described in section 2109(a) arising from  
6 or relating to water quality in which the claim  
7 is based on injury to natural resources or threat  
8 to natural resources in the Little Colorado  
9 River basin in Arizona, only for those cases in  
10 which the United States, through the Secretary  
11 or other designated Federal official, would act  
12 on behalf of the Tribe as a natural resource  
13 trustee pursuant to the National Contingency  
14 Plan, as set forth, as of the date of enactment  
15 of this Act, in section 300.600(b)(2) of title 40,  
16 Code of Federal Regulations.

17 (2) FUTURE CLAIMS.—As part of the perform-  
18 ance of its obligations under the Settlement Agree-  
19 ment, the United States waives and releases, subject  
20 to the retentions in paragraphs 11.4, 11.6 and 11.7  
21 of the Settlement Agreement, the State of Arizona,  
22 or any agency or political subdivision thereof, or any  
23 other person, entity, corporation, or municipal cor-  
24 poration for—

1 (A) all future common law claims arising  
2 from or relating to water quality in which the  
3 injury or threat of injury asserted is to the  
4 Tribe's interest in water, trust land, and nat-  
5 ural resources in the Eastern LCR basin in Ari-  
6 zona accruing after the effective date described  
7 in section 2109(a) caused by—

8 (i) the lawful diversion or use of sur-  
9 face water;

10 (ii) the lawful withdrawal or use of  
11 underground water, except within the Zuni  
12 Protection Area, as provided in article 5 of  
13 the Settlement Agreement;

14 (iii) the Parties' performance of any  
15 obligations under the Settlement Agree-  
16 ment;

17 (iv) the discharge of oil associated  
18 with routine physical or mechanical main-  
19 tenance of wells or diversion structures not  
20 inconsistent with applicable law;

21 (v) the discharge of oil associated with  
22 routine start-up and operation of well  
23 pumps not inconsistent with applicable law;  
24 or

1 (vi) any combination of the causes de-  
2 scribed in clauses (i) through (v); and

3 (B) all future natural resource damage  
4 claims accruing after the effective date de-  
5 scribed in section 2109(a) arising from or relat-  
6 ing to water quality in which the claim is based  
7 on injury to natural resources or threat to nat-  
8 ural resources in the Eastern LCR basin in Ari-  
9 zona, only for those cases in which the United  
10 States, through the Secretary or other des-  
11 ignated Federal official, would act on behalf of  
12 the Tribe as a natural resource trustee pursu-  
13 ant to the National Contingency Plan, as set  
14 forth, as of the date of enactment of this Act,  
15 in section 300.600(b)(2) of title 40, Code of  
16 Federal Regulations, caused by—

17 (i) the lawful diversion or use of sur-  
18 face water;

19 (ii) the lawful withdrawal or use of  
20 underground water, except within the Zuni  
21 Protection Area as provided in article 5 of  
22 the Settlement Agreement;

23 (iii) the Parties' performance of their  
24 obligations under this Settlement Agree-  
25 ment;

1 (iv) the discharge of oil associated  
 2 with routine physical or mechanical main-  
 3 tenance of wells or diversion structures not  
 4 inconsistent with applicable law;

5 (v) the discharge of oil associated with  
 6 routine start-up and operation of well  
 7 pumps not inconsistent with applicable law;  
 8 or

9 (vi) any combination of the causes de-  
 10 scribed in clauses (i) through (v).

11 (f) EFFECT.—Subject to subsections (b) and (e),  
 12 nothing in this subtitle or the Settlement Agreement af-  
 13 fects any right of the United States, or the State of Ari-  
 14 zona, to take any actions, including enforcement actions,  
 15 under any laws (including regulations) relating to human  
 16 health, safety and the environment.

17 **SEC. 2108. MISCELLANEOUS PROVISIONS.**

18 (a) WAIVER OF SOVEREIGN IMMUNITY.—If any party  
 19 to the Settlement Agreement or a Pumping Protection  
 20 Agreement files a lawsuit only relating directly to the in-  
 21 terpretation or enforcement of this subtitle, the Settlement  
 22 Agreement, an agreement described in paragraph (1), (2),  
 23 or (3) of section 2104(c), or a Pumping Protection Agree-  
 24 ment, naming the United States or the Tribe as a party,  
 25 or if any other landowner or water user in the Little Colo-

1 rado River basin in Arizona files a lawsuit only relating  
 2 directly to the interpretation or enforcement of Article 11,  
 3 the rights of de minimis users in subparagraph 4.2.D or  
 4 the rights of underground water users under Article 5 of  
 5 the Settlement Agreement, naming the United States or  
 6 the Tribe as a party—

7           (1) the United States, the Tribe, or both may  
 8       be added as a party to any such litigation, and any  
 9       claim by the United States or the Tribe to sovereign  
 10      immunity from such suit is hereby waived, other  
 11      than with respect to claims for monetary awards ex-  
 12      cept as specifically provided for in the Settlement  
 13      Agreement; and

14           (2) the Tribe may waive its sovereign immunity  
 15      from suit in the Superior Court of Apache County,  
 16      Arizona for the limited purposes of enforcing the  
 17      terms of the Intergovernmental Agreement, and any  
 18      intergovernmental agreement required to be entered  
 19      into by the Tribe under the terms of the Intergov-  
 20      ernmental Agreement, other than with respect to  
 21      claims for monetary awards except as specifically  
 22      provided in the Intergovernmental Agreement.

23      (b) TRIBAL USE OF WATER.—

1           (1) IN GENERAL.—With respect to water rights  
2       made available under the Settlement Agreement and  
3       used on the Zuni Heaven Reservation—

4           (A) such water rights shall be held in trust  
5       by the United States in perpetuity, and shall  
6       not be subject to forfeiture or abandonment;

7           (B) State law shall not apply to water uses  
8       on the Reservation;

9           (C) the State of Arizona may not regulate  
10      or tax such water rights or uses (except that  
11      the court with jurisdiction over the decree en-  
12      tered pursuant to the Settlement Agreement or  
13      the Norviel Decree Court may assess adminis-  
14      trative fees for delivery of this water);

15          (D) subject to paragraph 7.7 of the Settle-  
16      ment Agreement, the Zuni Tribe shall use  
17      water made available to the Zuni Tribe under  
18      the Settlement Agreement on the Zuni Heaven  
19      Reservation for any use it deems advisable;

20          (E) water use by the Zuni Tribe or the  
21      United States on behalf of the Zuni Tribe for  
22      wildlife or instream flow use, or for irrigation to  
23      establish or maintain wetland on the Reserva-  
24      tion, shall be considered to be consistent with  
25      the purposes of the Reservation; and

1 (F)(i) not later than 3 years after the  
2 deadline described in section 2109(b), the Zuni  
3 Tribe shall adopt a water code to be approved  
4 by the Secretary for regulation of water use on  
5 the lands identified in subsections (a) and (b)  
6 of section 2105 that is reasonably equivalent to  
7 State water law (including statutes relating to  
8 dam safety and groundwater management); and

9 (ii) until such date as the Zuni Tribe  
10 adopts a water code described in clause (i), the  
11 Secretary, in consultation with the State of Ari-  
12 zona, shall administer water use and water reg-  
13 ulation on lands described in that clause in a  
14 manner that is reasonably equivalent to State  
15 law (including statutes relating to dam safety  
16 and groundwater management).

17 (2) LIMITATION.—

18 (A) IN GENERAL.—Except as provided in  
19 subparagraph (B), the Zuni Tribe or the United  
20 States shall not sell, lease, transfer, or trans-  
21 port water made available for use on the Zuni  
22 Heaven Reservation to any other place.

23 (B) EXCEPTION.—Water made available to  
24 the Zuni Tribe or the United States for use on  
25 the Zuni Heaven Reservation may be severed

1 and transferred from the Reservation to other  
 2 Zuni Lands if the severance and transfer is ac-  
 3 complished in accordance with State law (and  
 4 once transferred to any lands held in fee, such  
 5 water shall be subject to State law).

6 (c) RIGHTS-OF-WAY.—

7 (1) NEW AND FUTURE TRUST LAND.—The land  
 8 taken into trust under subsections (a) and (b) of  
 9 section 2105 shall be subject to existing easements  
 10 and rights-of-way.

11 (2) ADDITIONAL RIGHTS-OF-WAY.—

12 (A) IN GENERAL.—Notwithstanding any  
 13 other provision of law, the Secretary, in con-  
 14 sultation with the Tribe, shall grant additional  
 15 rights-of-way or expansions of existing rights-  
 16 of-way for roads, utilities, and other accom-  
 17 modations to adjoining landowners if—

18 (i) the proposed right-of-way is nec-  
 19 essary to the needs of the applicant;

20 (ii) the proposed right-of-way will not  
 21 cause significant and substantial harm to  
 22 the Tribe's wetland restoration project or  
 23 religious practices; and

24 (iii) the proposed right-of-way acquisi-  
 25 tion will comply with the procedures in



1                   part 169 of title 25, Code of Federal Regu-  
2                   lations, not inconsistent with this sub-  
3                   section and other generally applicable Fed-  
4                   eral laws unrelated to the acquisition of in-  
5                   terests across trust lands.

6                   (B) ALTERNATIVES.—If the criteria de-  
7                   scribed in clauses (i) through (iii) of subpara-  
8                   graph (A) are not met, the Secretary may pro-  
9                   pose an alternative right-of-way, or other ac-  
10                  commodation that complies with the criteria.

11               (d) CERTAIN CLAIMS PROHIBITED.—The United  
12 States shall make no claims for reimbursement of costs  
13 arising out of the implementation of this subtitle or the  
14 Settlement Agreement against any Indian-owned land  
15 within the Tribe's Reservation, and no assessment shall  
16 be made in regard to such costs against such lands.

17               (e) VESTED RIGHTS.—Except as described in para-  
18 graph 5.3 of the Settlement Agreement (recognizing the  
19 Zuni Tribe's use of 1,500 acre-feet per annum of ground-  
20 water) this subtitle and the Settlement Agreement do not  
21 create any vested right to groundwater under Federal or  
22 State law, or any priority to the use of groundwater that  
23 would be superior to any other right or use of groundwater  
24 under Federal or State law, whether through this subtitle,  
25 the Settlement Agreement, or by incorporation of any ab-

1 stract, agreement, or stipulation prepared under the Set-  
 2 tlement Agreement. Notwithstanding the preceding sen-  
 3 tence, the rights of parties to the agreements referred to  
 4 in paragraph (1), (2), or (3) of section 2104(c) and para-  
 5 graph 5.8 of the Settlement Agreement, as among them-  
 6 selves, shall be as stated in those agreements.

7 (f) OTHER CLAIMS.—Nothing in the Settlement  
 8 Agreement or this subtitle quantifies or otherwise affects  
 9 the water rights, claims, or entitlements to water of any  
 10 Indian tribe, band, or community, other than the Zuni In-  
 11 dian Tribe.

12 (g) NO MAJOR FEDERAL ACTION.—

13 (1) IN GENERAL.—Execution of the Settlement  
 14 Agreement by the Secretary as provided for in sec-  
 15 tion 2104(a) shall not constitute major Federal ac-  
 16 tion under the National Environmental Policy Act  
 17 (42 U.S.C. 4321 et seq.).

18 (2) SETTLEMENT AGREEMENT.—In imple-  
 19 menting the Settlement Agreement, the Secretary  
 20 shall comply with all aspects of—

21 (A) the National Environmental Policy Act  
 22 of 1969 (42 U.S.C. 4321 et seq.);

23 (B) the Endangered Species Act of 1973  
 24 (16 U.S.C. 1531 et seq.); and

1 (C) all other applicable environmental laws  
2 (including regulations).

3 **SEC. 2109. EFFECTIVE DATE FOR WAIVER AND RELEASE**  
4 **AUTHORIZATIONS.**

5 (a) IN GENERAL.—The waiver and release authoriza-  
6 tions contained in subsections (b) and (c) of section 2107  
7 shall become effective as of the date the Secretary causes  
8 to be published in the Federal Register a statement of all  
9 the following findings:

10 (1) This subtitle has been enacted in a form ap-  
11 proved by the parties in paragraph 3.1.A of the Set-  
12 tlement Agreement.

13 (2) The funds authorized by section 2104(b)  
14 have been appropriated and deposited into the Fund.

15 (3) The State of Arizona has appropriated and  
16 deposited into the Fund the amount required by  
17 paragraph 7.6 of the Settlement Agreement.

18 (4) The Zuni Indian Tribe has either purchased  
19 or acquired the right to purchase at least 2,350  
20 acre-feet per annum of surface water rights, or  
21 waived this condition as provided in paragraph 3.2  
22 of the Settlement Agreement.

23 (5) Pursuant to subparagraph 3.1.D of the Set-  
24 tlement Agreement, the severance and transfer of  
25 surface water rights that the Tribe owns or has the

1 right to purchase have been conditionally approved,  
2 or the Tribe has waived this condition as provided  
3 in paragraph 3.2 of the Settlement Agreement.

4 (6) Pursuant to subparagraph 3.1.E of the Set-  
5 tlement Agreement, the Tribe and Lyman Water  
6 Company have executed an agreement relating to  
7 the process of the severance and transfer of surface  
8 water rights acquired by the Zuni Tribe or the  
9 United States, the pass-through, use, or storage of  
10 the Tribe's surface water rights in Lyman Lake, and  
11 the operation of Lyman Dam.

12 (7) Pursuant to subparagraph 3.1.F of the Set-  
13 tlement Agreement, all the parties to the Settlement  
14 Agreement have agreed and stipulated to certain Ar-  
15 izona Game and Fish abstracts of water uses.

16 (8) Pursuant to subparagraph 3.1.G of the Set-  
17 tlement Agreement, all parties to the Settlement  
18 Agreement have agreed to the location of an obser-  
19 vation well and that well has been installed.

20 (9) Pursuant to subparagraph 3.1.H of the Set-  
21 tlement Agreement, the Zuni Tribe, Apache County,  
22 Arizona and the State of Arizona have executed an  
23 Intergovernmental Agreement that satisfies all of  
24 the conditions in paragraph 6.2 of the Settlement  
25 Agreement.

1           (10) The Zuni Tribe has acquired title to the  
2       section of land adjacent to the Zuni Heaven Res-  
3       ervation described as Section 34, Township 14  
4       North, Range 26 East, Gila and Salt River Base  
5       and Meridian.

6           (11) The Settlement Agreement has been modi-  
7       fied if and to the extent it is in conflict with this  
8       subtitle and such modification has been agreed to by  
9       all the parties to the Settlement Agreement.

10          (12) A court of competent jurisdiction has ap-  
11       proved the Settlement Agreement by a final judg-  
12       ment and decree.

13       (b) DEADLINE FOR EFFECTIVE DATE.—If the publi-  
14       cation in the Federal Register required under subsection  
15       (a) has not occurred by December 31, 2006, sections 2104  
16       and 2105, and any agreements entered into pursuant to  
17       sections 2104 and 2105 (including the Settlement Agree-  
18       ment and the Intergovernmental Agreement) shall not  
19       thereafter be effective and shall be null and void. Any  
20       funds and the interest accrued thereon appropriated pur-  
21       suant to section 2104(b)(2) shall revert to the Treasury,  
22       and any funds and the interest accrued thereon appro-  
23       priated pursuant to paragraph 7.6 of the Settlement  
24       Agreement shall revert to the State of Arizona.

## 1 **Subtitle B—Quinault Indian Nation**

### 2 **SEC. 2201. QUINAULT INDIAN NATION WATER FEASIBILITY** 3 **STUDY.**

4 (a) IN GENERAL.—The Secretary of the Interior may  
5 carry out a water source, quantity, and quality feasibility  
6 study for the Quinault Indian Nation, to identify ways to  
7 meet the current and future domestic and commercial  
8 water supply and distribution needs of the Quinault In-  
9 dian Nation on the Olympic Peninsula, Washington.

10 (b) PUBLIC AVAILABILITY OF RESULTS.—As soon as  
11 practicable after completion of a feasibility study under  
12 subsection (a), the Secretary of the Interior shall—

13 (1) publish in the Federal Register a notice of  
14 the availability of the results of the feasibility study;  
15 and

16 (2) make available to the public, on request, the  
17 results of the feasibility study.

## 18 **Subtitle C—Santee Sioux Tribe of** 19 **Nebraska Rural Water System** 20 **Feasibility Study**

### 21 **SEC. 2301. STUDY; REPORT.**

22 (a) STUDY.—Pursuant to reclamation laws, the Sec-  
23 retary of the Interior (referred to in this subtitle as the  
24 “Secretary”), through the Bureau of Reclamation and in  
25 consultation with the Santee Sioux Tribe of Nebraska

1 (referred to in this subtitle as the “Tribe”), shall conduct  
2 a feasibility study to determine the most feasible method  
3 of developing a safe and adequate municipal, rural, and  
4 industrial water treatment and distribution system for the  
5 Santee Sioux Tribe of Nebraska that could serve the tribal  
6 community and adjacent communities and incorporate  
7 population growth and economic development activities for  
8 a period of 40 years.

9 (b) COOPERATIVE AGREEMENT.—At the request of  
10 the Tribe, the Secretary shall enter into a cooperative  
11 agreement with the Tribe for activities necessary to con-  
12 duct the study required by subsection (a) regarding which  
13 the Tribe has unique expertise or knowledge.

14 (c) REPORT.—Not later than 1 year after funds are  
15 made available to carry out this subtitle, the Secretary  
16 shall submit to Congress a report containing the results  
17 of the study required by subsection (a).

18 **SEC. 2302. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated to the Sec-  
20 retary \$500,000 to carry out this subtitle.

1     **TITLE III—LAND PROVISIONS**  
 2     **Subtitle A—Agreement To Affirm**  
 3     **Boundary Between Pueblo of**  
 4     **Santa Clara and Pueblo of San**  
 5     **Ildefonso Aboriginal Land With-**  
 6     **in Garcia Canyon Tract**

7     **SEC. 3101. DEFINITIONS.**

8         In this subtitle:

9             (1)   AGREEMENT.—The term “Agreement”  
 10           means the agreement entitled “Agreement to Affirm  
 11           Boundary Between Pueblo of Santa Clara and Pueb-  
 12           lo of San Ildefonso Aboriginal Lands Within Garcia  
 13           Canyon Tract”, entered into by the Governors on  
 14           December 20, 2000.

15            (2)   BOUNDARY LINE.—The term “boundary  
 16           line” means the boundary line established under sec-  
 17           tion 3104(a).

18            (3)   GOVERNORS.—The term “Governors”  
 19           means—

20                 (A) the Governor of the Pueblo of Santa  
 21                 Clara, New Mexico; and

22                 (B) the Governor of the Pueblo of San  
 23                 Ildefonso, New Mexico.

24            (4)   INDIAN TRIBE.—The term “Indian tribe”  
 25           has the meaning given the term in section 4 of the



1 Indian Self-Determination and Education Assistance  
2 Act (25 U.S.C. 450b).

3 (5) PUEBLOS.—The term “Pueblos” means—

4 (A) the Pueblo of Santa Clara, New Mex-  
5 ico; and

6 (B) the Pueblo of San Ildefonso, New Mex-  
7 ico.

8 (6) TRUST LAND.—The term “trust land”  
9 means the land held by the United States in trust  
10 under section 3102(a) or 3103(a).

11 **SEC. 3102. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW**  
12 **MEXICO.**

13 (a) IN GENERAL.—All right, title, and interest of the  
14 United States in and to the land described in subsection  
15 (b), including improvements on, appurtenances to, and  
16 mineral rights (including rights to oil and gas) to the land,  
17 shall be held by the United States in trust for the Pueblo  
18 of Santa Clara, New Mexico.

19 (b) DESCRIPTION OF LAND.—The land referred to in  
20 subsection (a) consists of approximately 2,484 acres of  
21 Bureau of Land Management land located in Rio Arriba  
22 County, New Mexico, and more particularly described  
23 as—

1           (1) the portion of T. 20 N., R. 7 E., sec. 22,  
2       New Mexico Principal Meridian, that is located  
3       north of the boundary line;

4           (2) the southern half of T. 20 N., R. 7 E., sec.  
5       23, New Mexico Principal Meridian;

6           (3) the southern half of T. 20 N., R. 7 E., sec.  
7       24, New Mexico Principal Meridian;

8           (4) T. 20 N., R. 7 E., sec. 25, excluding the 5–  
9       acre tract in the southeast quarter owned by the  
10      Pueblo of San Ildefonso;

11          (5) the portion of T. 20 N., R. 7 E., sec. 26,  
12      New Mexico Principal Meridian, that is located  
13      north and east of the boundary line;

14          (6) the portion of T. 20 N., R. 7 E., sec. 27,  
15      New Mexico Principal Meridian, that is located  
16      north of the boundary line;

17          (7) the portion of T. 20 N., R. 8 E., sec. 19,  
18      New Mexico Principal Meridian, that is not included  
19      in the Santa Clara Pueblo Grant or the Santa Clara  
20      Indian Reservation; and

21          (8) the portion of T. 20 N., R. 8 E., sec. 30,  
22      that is not included in the Santa Clara Pueblo Grant  
23      or the San Ildefonso Grant.

1 **SEC. 3103. TRUST FOR THE PUEBLO OF SAN ILDEFONSO,**  
2 **NEW MEXICO.**

3 (a) IN GENERAL.—All right, title, and interest of the  
4 United States in and to the land described in subsection  
5 (b), including improvements on, appurtenances to, and  
6 mineral rights (including rights to oil and gas) to the land,  
7 shall be held by the United States in trust for the Pueblo  
8 of San Ildefonso, New Mexico.

9 (b) DESCRIPTION OF LAND.—The land referred to in  
10 subsection (a) consists of approximately 2,000 acres of  
11 Bureau of Land Management land located in Rio Arriba  
12 County and Santa Fe County in the State of New Mexico,  
13 and more particularly described as—

14 (1) the portion of T. 20 N., R. 7 E., sec. 22,  
15 New Mexico Principal Meridian, that is located  
16 south of the boundary line;

17 (2) the portion of T. 20 N., R. 7 E., sec. 26,  
18 New Mexico Principal Meridian, that is located  
19 south and west of the boundary line;

20 (3) the portion of T. 20 N., R. 7 E., sec. 27,  
21 New Mexico Principal Meridian, that is located  
22 south of the boundary line;

23 (4) T. 20 N., R. 7 E., sec. 34, New Mexico  
24 Principal Meridian; and

1           (5) the portion of T. 20 N., R. 7 E., sec. 35,  
 2       New Mexico Principal Meridian, that is not included  
 3       in the San Ildefonso Pueblo Grant.

4   **SEC. 3104. SURVEY AND LEGAL DESCRIPTIONS.**

5       (a) SURVEY.—Not later than 180 days after the date  
 6   of enactment of this Act, the Office of Cadastral Survey  
 7   of the Bureau of Land Management shall, in accordance  
 8   with the Agreement, complete a survey of the boundary  
 9   line established under the Agreement for the purpose of  
 10   establishing, in accordance with sections 3102(b) and  
 11   3103(b), the boundaries of the trust land.

12       (b) LEGAL DESCRIPTIONS.—

13           (1) PUBLICATION.—On approval by the Gov-  
 14   ernors of the survey completed under subsection (a),  
 15   the Secretary shall publish in the Federal Register—

16               (A) a legal description of the boundary  
 17               line; and

18               (B) legal descriptions of the trust land.

19       (2) TECHNICAL CORRECTIONS.—Before the  
 20   date on which the legal descriptions are published  
 21   under paragraph (1)(B), the Secretary may correct  
 22   any technical errors in the descriptions of the trust  
 23   land provided in sections 3102(b) and 3103(b) to  
 24   ensure that the descriptions are consistent with the  
 25   terms of the Agreement.

1           (3) EFFECT.—Beginning on the date on which  
 2           the legal descriptions are published under paragraph  
 3           (1)(B), the legal descriptions shall be the official  
 4           legal descriptions of the trust land.

5 **SEC. 3105. ADMINISTRATION OF TRUST LAND.**

6           (a) IN GENERAL.—Effective beginning on the date  
 7           of enactment of this Act—

8                 (1) the land held in trust under section 3102(a)  
 9                 shall be declared to be a part of the Santa Clara In-  
 10                dian Reservation; and

11               (2) the land held in trust under section 3103(a)  
 12               shall be declared to be a part of the San Ildefonso  
 13               Indian Reservation.

14           (b) APPLICABLE LAW.—

15               (1) IN GENERAL.—The trust land shall be ad-  
 16               ministered in accordance with any law (including  
 17               regulations) or court order generally applicable to  
 18               property held in trust by the United States for In-  
 19               dian tribes.

20               (2) PUEBLO LANDS ACT.—The following shall  
 21               be subject to section 17 of the Act of June 7, 1924  
 22               (commonly known as the “Pueblo Lands Act”) (25  
 23               U.S.C. 331 note):

24                         (A) The trust land.

1 (B) Any land owned as of the date of en-  
 2 actment of this Act or acquired after the date  
 3 of enactment of this Act by the Pueblo of Santa  
 4 Clara in the Santa Clara Pueblo Grant.

5 (C) Any land owned as of the date of en-  
 6 actment of this Act or acquired after the date  
 7 of enactment of this Act by the Pueblo of San  
 8 Ildefonso in the San Ildefonso Pueblo Grant.

9 (c) USE OF TRUST LAND.—

10 (1) IN GENERAL.—Subject to the criteria devel-  
 11 oped under paragraph (2), the trust land may be  
 12 used only for—

13 (A) traditional and customary uses; or

14 (B) stewardship conservation for the ben-  
 15 efit of the Pueblo for which the trust land is  
 16 held in trust.

17 (2) CRITERIA.—The Secretary shall work with  
 18 the Pueblos to develop appropriate criteria for using  
 19 the trust land in a manner that preserves the trust  
 20 land for traditional and customary uses or steward-  
 21 ship conservation.

22 (3) LIMITATION.—Beginning on the date of en-  
 23 actment of this Act, the trust land shall not be used  
 24 for any new commercial developments.

1 **SEC. 3106. EFFECT.**

2 Nothing in this subtitle—

3 (1) affects any valid right-of-way, lease, permit,  
4 mining claim, grazing permit, water right, or other  
5 right or interest of a person or entity (other than  
6 the United States) that is—

7 (A) in or to the trust land; and

8 (B) in existence before the date of enact-  
9 ment of this Act;

10 (2) enlarges, impairs, or otherwise affects a  
11 right or claim of the Pueblos to any land or interest  
12 in land that is—

13 (A) based on Aboriginal or Indian title;  
14 and

15 (B) in existence before the date of enact-  
16 ment of this Act;

17 (3) constitutes an express or implied reservation  
18 of water or water right with respect to the trust  
19 land; or

20 (4) affects any water right of the Pueblos in ex-  
21 istence before the date of enactment of this Act.

## **Subtitle B—Additional Land Provisions**

### **SEC. 3201. INDIAN LAND CONSOLIDATION ACT AMENDMENTS.**

Section 217(c) of the Indian Land Consolidation Act (25 U.S.C. 2216(c)) is amended—

(1) by striking the subsection heading and all that follows through the end of the first sentence and inserting the following:

“(c) ACQUISITION OF INTEREST BY SECRETARY.—

“(1) REQUEST.—

“(A) IN GENERAL.—An Indian, or the recognized tribal government of a reservation, that is in possession of any portion of the fee interest in a parcel of land described in subparagraph (B) may request that the interest be taken into trust by the Secretary.

“(B) LAND.—A parcel of land described in this subparagraph is any parcel of land—

“(i) that is located within a reservation; and

“(ii) at least a portion of the ownership interest in which is held by the Secretary, in trust or restricted status, on November 7, 2000.”; and



1           (2) in the second sentence, by striking “Upon”  
 2           and inserting the following:

3           “(2) INTEREST.—Upon”.

4   **SEC. 3202. MISSISSIPPI BAND OF CHOCTAW INDIANS.**

5           Section 1(a)(2) of Public Law 106–228 (114 Stat.  
 6 462) is amended by striking “report entitled” and all that  
 7 follows through “is hereby declared” and inserting the fol-  
 8 lowing: “report entitled ‘Report of May 17, 2002, Clari-  
 9 fying and Correcting Legal Descriptions or Recording In-  
 10 formation for Certain Lands placed into Trust and Res-  
 11 ervation Status for the Mississippi Band of Choctaw Indi-  
 12 ans by Section 1(a)(2) of Pub. L. 106–228, as amended  
 13 by Title VIII, Section 811 of Pub. L. 106–568’, on file  
 14 in the Office of the Superintendent, Choctaw Agency, Bu-  
 15 reau of Indian Affairs, Department of the Interior, is de-  
 16 clared”.

17   **SEC. 3203. REMOVAL OF RESTRICTIONS ON UTE TRIBE OF**  
 18                   **THE UINTAH AND OURAY RESERVATION**  
 19                   **LAND.**

20           Section 3405(c) of the Strom Thurmond National  
 21 Defense Authorization Act for Fiscal Year 1999 (10  
 22 U.S.C. 7420 note; Public Law 105–261) is amended by  
 23 striking paragraph (3) and inserting the following:

24           “(3) With respect to the land conveyed to the Tribe  
 25 under subsection (b)—

1           “(A) the land shall not be subject to any Fed-  
2           eral restriction on alienation; and

3           “(B) no grant, lease, exploration or develop-  
4           ment agreement, or other conveyance of the land (or  
5           any interest in the land) that is authorized by the  
6           governing body of the Tribe shall be subject to ap-  
7           proval by the Secretary of the Interior or any other  
8           Federal official.”.

9   **SEC. 3204. RESERVATION LAND OF THE COW CREEK BAND**  
10                           **OF UMPQUA TRIBE OF INDIANS.**

11           Section 7 of the Cow Creek Band of Umpqua Tribe  
12   of Indians Recognition Act (25 U.S.C. 712e) is amended  
13   in the third sentence by inserting before the period at the  
14   end the following: “, and shall be treated as on-reservation  
15   land for the purpose of processing acquisitions of real  
16   property into trust”.

17   **SEC. 3205. DISPOSITION OF FEE LAND OF THE SEMINOLE**  
18                           **TRIBE OF FLORIDA.**

19           (a) TRANSACTIONS.—The Seminole Tribe of Florida  
20   may mortgage, lease, sell, convey, warrant, or otherwise  
21   transfer all or any part of any interest in any real property  
22   that—

23                   (1) was held by the Tribe on September 1,  
24           2002; and

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

3           (b) NO FURTHER APPROVAL REQUIRED.—Trans-  
4           actions under subsection (a) shall be valid without further  
5           approval, ratification, or authorization by the United  
6           States.

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

9           (1) authorize the Seminole Tribe of Florida to  
10          mortgage, lease, sell, convey, warrant, or otherwise  
11          transfer all or any part of an interest in any real  
12          property that is held in trust by the United States  
13          for the benefit of the Tribe; or

14          (2) affect the operation of any law governing  
15          mortgaging, leasing, selling, conveying, warranting,  
16          or otherwise transferring any interest in such trust  
17          land.

18   **SEC. 3206. DISPOSITION OF FEE LAND OF THE SHAKOPEE**

19                   **MDEWAKANTON SIOUX COMMUNITY.**

20          (a) IN GENERAL.—Notwithstanding any other provi-  
21          sion of law, without further authorization by the United  
22          States, the Shakopee Mdewakanton Sioux Community in  
23          the State of Minnesota (referred to in this section as the  
24          “Community”) may lease, sell, convey, warrant, or other-  
25          wise transfer all or any part of the interest of the Commu-

1 nity in or to any real property that is not held in trust  
 2 by the United States for the benefit of the Community.

3 (b) TRUST LAND NOT AFFECTED.—Nothing in this  
 4 section—

5 (1) authorizes the Community to lease, sell,  
 6 convey, warrant, or otherwise transfer all or part of  
 7 an interest in any real property that is held in trust  
 8 by the United States for the benefit of the Commu-  
 9 nity; or

10 (2) affects the operation of any law governing  
 11 leasing, selling, conveying, warranting, or otherwise  
 12 transferring any interest in that trust land.

13 **SEC. 3207. FACILITATION OF CONSTRUCTION OF PIPELINE**  
 14 **TO PROVIDE WATER FOR EMERGENCY FIRE**  
 15 **SUPPRESSION AND OTHER PURPOSES.**

16 (a) IN GENERAL.—Notwithstanding any other provi-  
 17 sion of law, subject to valid existing rights under Federal  
 18 and State law, the land described in subsection (b), fee  
 19 title to which is held by the Barona Band of Mission Indi-  
 20 ans of California (referred to in this section as the  
 21 “Band”)—

22 (1) is declared to be held in trust by the United  
 23 States for the benefit of the Band; and

24 (2) shall be considered to be a portion of the  
 25 reservation of the Band.

1 (b) LAND.—The land referred to in subsection (a) is  
 2 land comprising approximately 85 acres in San Diego  
 3 County, California, and described more particularly as fol-  
 4 lows: San Bernardino Base and Meridian; T. 14 S., R.  
 5 1 E.; sec. 21: W $\frac{1}{2}$ SE $\frac{1}{4}$ , 68 acres; NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 17 acres.

6 (c) GAMING.—The land taken into trust by sub-  
 7 section (a) shall neither be considered to have been taken  
 8 into trust for gaming, nor be used for gaming (as that  
 9 term is used in the Indian Gaming Regulatory Act (25  
 10 U.S.C. 2701 et seq.).

11 **SEC. 3208. AGREEMENT WITH DRY PRAIRIE RURAL WATER**  
 12 **ASSOCIATION, INCORPORATED.**

13 (a) IN GENERAL.—The Assiniboine and Sioux Tribes  
 14 of the Fort Peck Indian Reservation (referred to in this  
 15 section as the “Tribes”) may, with the approval of the  
 16 Secretary of the Interior, enter into a lease or other tem-  
 17 porary conveyance of water rights recognized under the  
 18 Fort Peck–Montana Compact (Montana Code Annotated  
 19 85–20–201) for the purpose of meeting the water needs  
 20 of the Dry Prairie Rural Water Association, Incorporated  
 21 (or any successor entity), pursuant to section 5 of the Fort  
 22 Peck Reservation Rural Water System Act of 2000 (114  
 23 Stat. 1454).

1 (b) CONDITIONS OF LEASE.—With respect to a lease  
 2 or other temporary conveyance described in subsection  
 3 (a)—

4 (1) the term of the lease or conveyance shall  
 5 not exceed 100 years; and

6 (2)(A) the lease or conveyance may be approved  
 7 by the Secretary of the Interior without monetary  
 8 compensation to the Tribes; and

9 (B) the Secretary of the Interior shall not be  
 10 subject to liability for any claim or cause of action  
 11 relating to the compensation or consideration re-  
 12 ceived by the Tribes under the lease or conveyance.

13 (c) NO PERMANENT ALIENATION OF WATER.—Noth-  
 14 ing in this section authorizes any permanent alienation of  
 15 any water by the Tribes.

## 16 **TITLE IV—LEASING PROVISIONS**

### 17 **SEC. 4001. AUTHORIZATION OF 99-YEAR LEASES FOR CON-**

### 18 **FEDERATED TRIBES OF THE UMATILLA IN-**

### 19 **DIAN RESERVATION.**

20 (a) IN GENERAL.—Subsection (a) of the first section  
 21 of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amend-  
 22 ed in the second sentence—

23 (1) by inserting “the reservation of the Confed-  
 24 erated Tribes of the Umatilla Indian Reservation,”  
 25 before “the Burns Paiute Reservation,”;

1           (2) by inserting “the” before “Yavapai-Pres-  
2       cott”; and

3           (3) by striking “Washington,,” and inserting  
4       “Washington,”.

5       (b) EFFECTIVE DATE.—The amendments made by  
6       subsection (a) apply to any lease entered into on, or re-  
7       newed after, the date of enactment of this Act.

8       **SEC. 4002. AUTHORIZATION OF 99-YEAR LEASES FOR**  
9                               **YUROK TRIBE AND HOPLAND BAND OF POMO**  
10                              **INDIANS.**

11       (a) IN GENERAL.—The first section of the Act enti-  
12       tled “An Act to authorize the leasing of restricted Indian  
13       lands for public, religious, educational, recreational, resi-  
14       dential, business, and other purposes requiring the grant  
15       of long-term leases”, approved August 9, 1955 (25 U.S.C.  
16       415(a)) is amended by inserting “lands held in trust for  
17       the Yurok Tribe, lands held in trust for the Hopland Band  
18       of Pomo Indians of the Hopland Rancheria,” after  
19       “Pueblo of Santa Clara,”.

20       (b) EFFECTIVE DATE.—The amendment made by  
21       subsection (a) shall apply to any lease entered into or re-  
22       newed after the date of the enactment of this Act.

1 **SEC. 4003. LEASE OF TRIBALLY-OWNED LAND BY ASSINI-**  
2 **BOINE AND SIOUX TRIBES OF THE FORT**  
3 **PECK RESERVATION.**

4 The first section of the Act of August 9, 1955 (25  
5 U.S.C. 415) is amended by adding at the end the fol-  
6 lowing:

7 “(g) LEASE OF TRIBALLY-OWNED LAND BY ASSINI-  
8 BOINE AND SIOUX TRIBES OF THE FORT PECK RESERVA-  
9 TION.—

10 “(1) IN GENERAL.—Notwithstanding subsection  
11 (a) and any regulations under part 162 of title 25,  
12 Code of Federal Regulations, subject to paragraph  
13 (2), the Assiniboine and Sioux Tribes of the Fort  
14 Peck Reservation may lease to the Northern Border  
15 Pipeline Company tribally-owned land on the Fort  
16 Peck Indian Reservation for 1 or more interstate gas  
17 pipelines.

18 “(2) CONDITIONS.—A lease entered into under  
19 paragraph (1)—

20 “(A) shall commence during fiscal year  
21 2011 for an initial term of 25 years;

22 “(B) may be renewed for an additional  
23 term of 25 years; and

24 “(C) shall specify in the terms of the lease  
25 an annual rental rate—



1 “(i) which rate shall be increased by  
 2 3 percent per year on a cumulative basis  
 3 for each 5-year period; and

4 “(ii) the adjustment of which in ac-  
 5 cordance with clause (i) shall be considered  
 6 to satisfy any review requirement under  
 7 part 162 of title 25, Code of Federal Regu-  
 8 lations.”.

9 **SEC. 4004. LEASES OF RESTRICTED LAND.**

10 Subsection (a) of the first section of the Act of Au-  
 11 gust 9, 1955 (25 U.S.C. 415(a)) is amended by adding  
 12 at the end the following: “Notwithstanding any other pro-  
 13 vision of law, no approval by the Secretary shall be re-  
 14 quired for any new lease, or for renewal of any existing  
 15 lease, of land under this subsection if the lease, including  
 16 all periods covered by any renewal, is for an aggregate  
 17 term of less than 7 years.”.

18 **TITLE V—JUDGMENT FUND**  
 19 **DISTRIBUTION**  
 20 **Subtitle A—Gila River Indian Com-**  
 21 **munity Judgment Fund Dis-**  
 22 **tribution**

23 **SEC. 5001. SHORT TITLE.**

24 This subtitle may be cited as the “Gila River Indian  
 25 Community Judgment Fund Distribution Act of 2002”.

1 **SEC. 5002. FINDINGS.**

2 Congress finds that—

3 (1) on August 8, 1951, the Gila River Indian  
4 Community filed a complaint before the Indian  
5 Claims Commission in Gila River Pima-Maricopa In-  
6 dian Community v. United States, Docket No. 236,  
7 for the failure of the United States to carry out its  
8 obligation to protect the use by the Community of  
9 water from the Gila River and the Salt River in the  
10 State of Arizona;

11 (2) except for Docket Nos. 236–C and 236–D,  
12 which remain undistributed, all 14 original dockets  
13 under Docket No. 236 have been resolved and dis-  
14 tributed;

15 (3) in Gila River Pima-Maricopa Indian Com-  
16 munity v. United States, 29 Ind. Cl. Comm. 144  
17 (1972), the Indian Claims Commission held that the  
18 United States, as trustee, was liable to the Commu-  
19 nity with respect to the claims made in Docket No.  
20 236–C;

21 (4) in Gila River Pima-Maricopa Indian Com-  
22 munity v. United States, 684 F.2d 852 (1982), the  
23 United States Claims Court held that the United  
24 States, as trustee, was liable to the Community with  
25 respect to the claims made in Docket No. 236–D;

1           (5) with the approval of the Community under  
2       Community Resolution GR-98-98, the Community  
3       entered into a settlement with the United States on  
4       April 27, 1999, for claims made under Dockets Nos.  
5       236-C and 236-D for an aggregate total of  
6       \$7,000,000;

7           (6) on May 3, 1999, the United States Court  
8       of Federal Claims ordered that a final judgment be  
9       entered in consolidated Dockets Nos. 236-C and  
10      236-D for \$7,000,000 in favor of the Community  
11      and against the United States;

12          (7)(A) on October 6, 1999, the Department of  
13      the Treasury certified the payment of \$7,000,000,  
14      less attorney fees, to be deposited in a trust account  
15      on behalf of the Community; and

16          (B) that payment was deposited in a trust ac-  
17      count managed by the Office of Trust Funds Man-  
18      agement of the Department of the Interior; and

19          (8) in accordance with the Indian Tribal Judg-  
20      ment Funds Use or Distribution Act (25 U.S.C.  
21      1401 et seq.), the Secretary is required to submit an  
22      Indian judgment fund use or distribution plan to  
23      Congress for approval.

24   **SEC. 5003. DEFINITIONS.**

25      In this subtitle:

1 (1) ADULT.—The term “adult” means an indi-  
2 vidual who—

3 (A) is 18 years of age or older as of the  
4 date on which the payment roll is approved by  
5 the Community; or

6 (B) will reach 18 years of age not later  
7 than 30 days after the date on which the pay-  
8 ment roll is approved by the Community.

9 (2) COMMUNITY.—The term “Community”  
10 means the Gila River Indian Community.

11 (3) COMMUNITY-OWNED FUNDS.—The term  
12 “Community-owned funds” means—

13 (A) funds held in trust by the Secretary as  
14 of the date of enactment of this Act that may  
15 be made available to make payments under sec-  
16 tion 5101; or

17 (B) revenues held by the Community  
18 that—

19 (i) are derived from trust resources;  
20 and

21 (ii) qualify for an exemption under  
22 section 7 or 8 of the Indian Tribal Judg-  
23 ment Funds Use or Distribution Act (25  
24 U.S.C. 1407, 1408).

1 (4) IIM ACCOUNT.—The term “IIM account”  
 2 means an individual Indian money account.

3 (5) JUDGMENT FUNDS.—The term “judgment  
 4 funds” means the aggregate amount awarded to the  
 5 Community by the Court of Federal Claims in Dock-  
 6 ets Nos. 236–C and 236–D.

7 (6) LEGALLY INCOMPETENT INDIVIDUAL.—The  
 8 term “legally incompetent individual” means an in-  
 9 dividual who has been determined to be incapable of  
 10 managing his or her own affairs by a court of com-  
 11 petent jurisdiction.

12 (7) MINOR.—The term “minor” means an indi-  
 13 vidual who is not an adult.

14 (8) PAYMENT ROLL.—The term “payment roll”  
 15 means the list of eligible, enrolled members of the  
 16 Community who are eligible to receive a payment  
 17 under section 5101(a), as prepared by the Commu-  
 18 nity under section 5101(b).

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

## 21 **CHAPTER 1—GILA RIVER JUDGMENT**

### 22 **FUND DISTRIBUTION**

#### 23 **SEC. 5101. DISTRIBUTION OF JUDGMENT FUNDS.**

24 (a) PER CAPITA PAYMENTS.—Notwithstanding the  
 25 Indian Tribal Judgment Funds Use or Distribution Act

1 (25 U.S.C. 1401 et seq.) or any other provision of law  
2 (including any regulation promulgated or plan developed  
3 under such a law), the amounts paid in satisfaction of an  
4 award granted to the Gila River Indian Community in  
5 Dockets Nos. 236–C and 236–D before the United States  
6 Court of Federal Claims, less attorney fees and litigation  
7 expenses and including all accrued interest, shall be dis-  
8 tributed in the form of per capita payments (in amounts  
9 as equal as practicable) to all eligible enrolled members  
10 of the Community.

11 (b) PREPARATION OF PAYMENT ROLL.—

12 (1) IN GENERAL.—The Community shall pre-  
13 pare a payment roll of eligible, enrolled members of  
14 the Community that are eligible to receive payments  
15 under this section in accordance with the criteria de-  
16 scribed in paragraph (2).

17 (2) CRITERIA.—

18 (A) INDIVIDUALS ELIGIBLE TO RECEIVE  
19 PAYMENTS.—Subject to subparagraph (B), the  
20 following individuals shall be eligible to be listed  
21 on the payment roll and eligible to receive a per  
22 capita payment under subsection (a):

23 (i) All enrolled Community members  
24 who are eligible to be listed on the per cap-  
25 ita payment roll that was approved by the

1 Secretary for the distribution of the funds  
2 awarded to the Community in Docket No.  
3 236–N (including any individual who was  
4 inadvertently omitted from that roll).

5 (ii) All enrolled Community members  
6 who are living on the date of enactment of  
7 this Act.

8 (iii) All enrolled Community members  
9 who died—

10 (I) after the effective date of the  
11 payment plan for Docket No. 236–N;  
12 but

13 (II) on or before the date of en-  
14 actment of this Act.

15 (B) INDIVIDUALS INELIGIBLE TO RECEIVE  
16 PAYMENTS.—The following individuals shall be  
17 ineligible to be listed on the payment roll and  
18 ineligible to receive a per capita payment under  
19 subsection (a):

20 (i) Any individual who, before the  
21 date on which the Community approves the  
22 payment roll, relinquished membership in  
23 the Community.

24 (ii) Any minor who relinquishes mem-  
25 bership in the Community, or whose parent

1 or legal guardian relinquishes membership  
2 on behalf of the minor, before the date on  
3 which the minor reaches 18 years of age.

4 (iii) Any individual who is disenrolled  
5 by the Community for just cause (such as  
6 dual enrollment or failure to meet the eligi-  
7 bility requirements for enrollment).

8 (iv) Any individual who is determined  
9 or certified by the Secretary to be eligible  
10 to receive a per capita payment of funds  
11 relating to a judgment—

12 (I) awarded to another commu-  
13 nity, Indian tribe, or tribal entity; and

14 (II) appropriated on or before the  
15 date of enactment of this Act.

16 (v) Any individual who is not enrolled  
17 as a member of the Community on or be-  
18 fore the date that is 90 days after the date  
19 of enactment of this Act.

20 (c) NOTICE TO SECRETARY.—On approval by the  
21 Community of the payment roll, the Community shall sub-  
22 mit to the Secretary a notice that indicates the total num-  
23 ber of individuals eligible to share in the per capita dis-  
24 tribution under subsection (a), as expressed in subdivi-  
25 sions that reflect—



1           (1) the number of shares that are attributable  
2           to eligible living adult Community members; and

3           (2) the number of shares that are attributable  
4           to deceased individuals, legally incompetent individ-  
5           uals, and minors.

6           (d) INFORMATION PROVIDED TO SECRETARY.—The  
7           Community shall provide to the Secretary enrollment in-  
8           formation necessary to allow the Secretary to establish—

9           (1) estate accounts for deceased individuals de-  
10          scribed in subsection (c)(2); and

11          (2) IIM accounts for legally incompetent indi-  
12          viduals and minors described in subsection (c)(2).

13          (e) DISBURSEMENT OF FUNDS.—

14          (1) IN GENERAL.—Not later than 30 days after  
15          the date on which the payment roll is approved by  
16          the Community and the Community has reconciled  
17          the number of shares that belong in each payment  
18          subdivision described in subsection (c), the Secretary  
19          shall disburse to the Community the funds necessary  
20          to make the per capita distribution under subsection  
21          (a) to eligible living adult members of the Commu-  
22          nity described in subsection (c)(1).

23          (2) ADMINISTRATION AND DISTRIBUTION.—On  
24          disbursement of the funds under paragraph (1), the

1 Community shall bear sole responsibility for admin-  
 2 istration and distribution of the funds.

3 (f) SHARES OF DECEASED INDIVIDUALS.—

4 (1) IN GENERAL.—The Secretary, in accord-  
 5 ance with regulations promulgated by the Secretary  
 6 and in effect as of the date of enactment of this Act,  
 7 shall distribute to the appropriate heirs and legatees  
 8 of deceased individuals described in subsection (c)(2)  
 9 the per capita shares of those deceased individuals.

10 (2) ABSENCE OF HEIRS AND LEGATEES.—If the  
 11 Secretary and the Community make a final deter-  
 12 mination that a deceased individual described in sub-  
 13 section (c)(2) has no heirs or legatees, the per capita  
 14 share of the deceased individual and the interest  
 15 earned on that share shall—

16 (A) revert to the Community; and

17 (B) be deposited into the general fund of  
 18 the Community.

19 (g) SHARES OF LEGALLY INCOMPETENT INDIVID-  
 20 UALS.—

21 (1) IN GENERAL.—The Secretary shall deposit  
 22 the shares of legally incompetent individuals de-  
 23 scribed in subsection (c)(2) in supervised IIM ac-  
 24 counts.

1           (2) ADMINISTRATION.—The IIM accounts de-  
 2       scribed in paragraph (1) shall be administered in ac-  
 3       cordance with regulations and procedures established  
 4       by the Secretary and in effect as of the date of en-  
 5       actment of this Act.

6       (h) SHARES OF MINORS.—

7           (1) IN GENERAL.—The Secretary shall deposit  
 8       the shares of minors described in subsection (c)(2)  
 9       in supervised IIM accounts.

10       (2) ADMINISTRATION.—

11           (A) IN GENERAL.—The Secretary shall  
 12       hold the per capita share of a minor described  
 13       in subsection (c)(2) in trust until such date as  
 14       the minor reaches 18 years of age.

15           (B) NONAPPLICABLE LAW.—Section  
 16       3(b)(3) of the Indian Tribal Judgment Funds  
 17       Use or Distribution Act (25 U.S.C. 1403(b)(3))  
 18       shall not apply to any per capita share of a  
 19       minor that is held by the Secretary under this  
 20       subtitle.

21           (C) DISBURSEMENT.—No judgment funds,  
 22       nor any interest earned on judgment funds,  
 23       shall be disbursed from the account of a minor  
 24       described in subsection (c)(2) until such date as  
 25       the minor reaches 18 years of age.

1 (i) PAYMENT OF ELIGIBLE INDIVIDUALS NOT LIST-  
2 ED ON PAYMENT ROLL.—

3 (1) IN GENERAL.—An individual who is not  
4 listed on the payment roll, but is eligible to receive  
5 a payment under this subtitle, as determined by the  
6 Community, may be paid from any remaining judg-  
7 ment funds after the date on which—

8 (A) the Community makes the per capita  
9 distribution under subsection (a); and

10 (B) all appropriate IIM accounts are es-  
11 tablished under subsections (g) and (h).

12 (2) INSUFFICIENT FUNDS.—If insufficient judg-  
13 ment funds remain to cover the cost of a payment  
14 described in paragraph (1), the Community may use  
15 Community-owned funds to make the payment.

16 (3) MINORS, LEGALLY INCOMPETENT INDIVID-  
17 UALS, AND DECEASED INDIVIDUALS.—In a case in  
18 which a payment described in paragraph (2) is to be  
19 made to a minor, a legally incompetent individual, or  
20 a deceased individual, the Secretary—

21 (A) is authorized to accept and deposit  
22 funds from the payment in an IIM account or  
23 estate account established for the minor, legally  
24 incompetent individual, or deceased individual;  
25 and

1 (B) shall invest those funds in accordance  
2 with applicable law.

3 (j) USE OF RESIDUAL FUNDS.—On request by the  
4 governing body of the Community to the Secretary, and  
5 after passage by the governing body of the Community  
6 of a tribal council resolution affirming the intention of the  
7 governing body to have judgment funds disbursed to, and  
8 deposited in the general fund of, the Community, any  
9 judgment funds remaining after the date on which the  
10 Community completes the per capita distribution under  
11 subsection (a) and makes any appropriate payments under  
12 subsection (i) shall be disbursed to, and deposited in the  
13 general fund of, the Community.

14 (k) REVERSION OF PER-CAPITA SHARES TO TRIBAL  
15 OWNERSHIP.—

16 (1) IN GENERAL.—In accordance with the first  
17 section of Public Law 87–283 (25 U.S.C. 164), the  
18 share for an individual eligible to receive a per-cap-  
19 ita share under subsection (a) that is held in trust  
20 by the Secretary, and any interest earned on that  
21 share, shall be restored to Community ownership if,  
22 for any reason—

23 (A) subject to subsection (i), the share  
24 cannot be paid to the individual entitled to re-  
25 ceive the share; and

1 (B) the share remains unclaimed for the 6-  
2 year period beginning on the date on which the  
3 individual became eligible to receive the share.

4 (2) REQUEST BY COMMUNITY.—In accordance  
5 with subsection (j), the Community may request that  
6 unclaimed funds described in paragraph (1)(B) be  
7 disbursed to, and deposited in the general fund of,  
8 the Community.

9 **SEC. 5102. RESPONSIBILITY OF SECRETARY; APPLICABLE**  
10 **LAW.**

11 (a) RESPONSIBILITY FOR FUNDS.—After the date on  
12 which funds are disbursed to the Community under sec-  
13 tion 5101(e)(1), the United States and the Secretary shall  
14 have no trust responsibility for the investment, super-  
15 vision, administration, or expenditure of the funds dis-  
16 bursed.

17 (b) DECEASED AND LEGALLY INCOMPETENT INDIVIDUALS.—Funds subject to subsections (f) and (g) of  
18 section 5101 shall continue to be held in trust by the Sec-  
19 retary until the date on which those funds are disbursed  
20 under this subtitle.

22 (c) APPLICABILITY OF OTHER LAW.—Except as oth-  
23 erwise provided in this subtitle, all funds distributed under  
24 this subtitle shall be subject to sections 7 and 8 of the

1 Indian Tribal Judgment Funds Use or Distribution Act  
 2 (25 U.S.C. 1407, 1408).

3 **CHAPTER 2—CONDITIONS RELATING TO**  
 4 **COMMUNITY JUDGMENT FUND PLANS**

5 **SEC. 5111. PLAN FOR USE AND DISTRIBUTION OF JUDG-**  
 6 **MENT FUNDS AWARDED IN DOCKET NO. 228.**

7 (a) DEFINITION OF PLAN.—In this section, the term  
 8 “plan” means the plan for the use and distribution of  
 9 judgment funds awarded to the Community in Docket No.  
 10 228 of the United States Claims Court (52 Fed. Reg.  
 11 6887 (March 5, 1987)), as modified in accordance with  
 12 Public Law 99–493 (100 Stat. 1241).

13 (b) CONDITIONS.—Notwithstanding any other provi-  
 14 sion of law, the Community shall modify the plan to in-  
 15 clude the following conditions with respect to funds dis-  
 16 tributed under the plan:

17 (1) APPLICABILITY OF OTHER LAW RELATING  
 18 TO MINORS.—Section 3(b)(3) of the Indian Tribal  
 19 Judgment Funds Use or Distribution Act (25  
 20 U.S.C. 1403(b)(3)) shall not apply to any per capita  
 21 share of a minor that is held, as of the date of en-  
 22 actment of this Act, by the Secretary.

23 (2) SHARE OF MINORS IN TRUST.—The Sec-  
 24 retary shall hold a per capita share of a minor de-

1       scribed in paragraph (1) in trust until such date as  
2       the minor reaches 18 years of age.

3           (3) DISBURSAL OF FUNDS FOR MINORS.—No  
4       judgment funds, nor any interest earned on judg-  
5       ment funds, shall be disbursed from the account of  
6       a minor described in paragraph (1) until such date  
7       as the minor reaches 18 years of age.

8           (4) USE OF REMAINING JUDGMENT FUNDS.—  
9       On request by the governing body of the Commu-  
10      nity, as manifested by the appropriate tribal council  
11      resolution, any judgment funds remaining after the  
12      date of completion of the per capita distribution  
13      under section 5101(a) shall be disbursed to, and de-  
14      posited in the general fund of, the Community.

15 **SEC. 5112. PLAN FOR USE AND DISTRIBUTION OF JUDG-**  
16 **MENT FUNDS AWARDED IN DOCKET NO. 236-**  
17 **N.**

18       (a) DEFINITION OF PLAN.—In this section, the term  
19 “plan” means the plan for the use and distribution of  
20 judgment funds awarded to the Community in Docket No.  
21 236–N of the United States Court of Federal Claims (59  
22 Fed. Reg. 31092 (June 16, 1994)).

23       (b) CONDITIONS.—

24           (1) PER CAPITA ASPECT.—Notwithstanding any  
25      other provision of law, the Community shall modify



1 the last sentence of the paragraph under the heading  
 2 “Per Capita Aspect” in the plan to read as follows:  
 3 “Upon request from the Community, any residual  
 4 principal and interest funds remaining after the  
 5 Community has declared the per capita distribution  
 6 complete shall be disbursed to, and deposited in the  
 7 general fund of, the Community.”.

8 (2) GENERAL PROVISIONS.—Notwithstanding  
 9 any other provision of law, the Community shall—

10 (A) modify the third sentence of the first  
 11 paragraph under the heading “General Provi-  
 12 sions” of the plan to strike the word “minors”;  
 13 and

14 (B) insert between the first and second  
 15 paragraphs under that heading the following:

16 “Section 3(b)(3) of the Indian Tribal Judgment  
 17 Funds Use or Distribution Act (25 U.S.C.  
 18 1403(b)(3)) shall not apply to any per capita share  
 19 of a minor that is held, as of the date of enactment  
 20 of the Gila River Indian Community Judgment  
 21 Fund Distribution Act of 2002, by the Secretary.  
 22 The Secretary shall hold a per capita share of a  
 23 minor in trust until such date as the minor reaches  
 24 18 years of age. No judgment funds, or any interest  
 25 earned on judgment funds, shall be disbursed from

1 the account of a minor until such date as the minor  
2 reaches 18 years of age.”.

3 **CHAPTER 3—EXPERT ASSISTANCE LOANS**

4 **SEC. 5121. WAIVER OF REPAYMENT OF EXPERT ASSIST-**  
5 **ANCE LOANS TO GILA RIVER INDIAN COMMU-**  
6 **NITY.**

7 Notwithstanding any other provision of law—

8 (1) the balance of all outstanding expert assist-  
9 ance loans made to the Community under Public  
10 Law 88–168 (77 Stat. 301) and relating to Gila  
11 River Indian Community v. United States (United  
12 States Court of Federal Claims Docket Nos. 228  
13 and 236 and associated subdockets) are canceled;  
14 and

15 (2) the Secretary shall take such action as is  
16 necessary—

17 (A) to document the cancellation of loans  
18 under paragraph (1); and

19 (B) to release the Community from any li-  
20 ability associated with those loans.

1 **Subtitle B—Assiniboine and Sioux**  
2 **Tribes of the Fort Peck Reserva-**  
3 **tion Judgment Fund Distribu-**  
4 **tion**

5 **SEC. 5201. SHORT TITLE.**

6 This subtitle may be cited as the “Assiniboine and  
7 Sioux Tribes of the Fort Peck Reservation Judgment  
8 Fund Distribution Act of 2002”.

9 **SEC. 5202. FINDINGS AND PURPOSE.**

10 (a) FINDINGS.—Congress finds that—

11 (1) on December 18, 1987, the Assiniboine and  
12 Sioux Tribes of the Fort Peck Reservation and 5 in-  
13 dividual Fort Peck tribal members filed a complaint  
14 before the United States Claims Court (currently the  
15 Court of Federal Claims) in Assiniboine and Sioux  
16 Tribes of the Fort Peck Reservation, et al. v. The  
17 United States of America, Docket No. 773–87–L to  
18 recover interest earned on trust funds while those  
19 funds were held in special deposit and IMPL-agency  
20 accounts;

21 (2) in the case referred to in paragraph (1), the  
22 Court held that the United States was liable for any  
23 income derived from investment of the trust funds of  
24 the Tribe and individual members of the Tribe for

1 the period during which those funds were held in  
2 special deposit and IMPL-agency accounts;

3 (3) the plaintiffs in the case referred to in para-  
4 graph (1) entered into a settlement with the United  
5 States for claims made under Docket No. 773-87-  
6 L on December 31, 1998, for payment by the  
7 United States of—

8 (A) \$1,339,415.33, representing interest  
9 earned on funds while held in Special Deposit  
10 accounts at the Fort Peck Agency during the  
11 period August 13, 1946, through September 30,  
12 1981;

13 (B) \$2,749,354.41, representing—

14 (i) interest on the principal indebted-  
15 ness for the period from August 13, 1946,  
16 through July 31, 1998; plus

17 (ii) \$364.27 in per diem interest on  
18 the principal indebtedness for each day  
19 during the period commencing August 1,  
20 1998, and ending on the date on which the  
21 judgment is paid; and

22 (C) \$350,000, representing the litigation  
23 costs and attorney's fees that the Tribe in-  
24 curred to prosecute those claims;

1           (4) the terms of the settlement were approved  
2       by the Court on January 8, 1999, and judgment was  
3       entered on January 12, 1999;

4           (5) on March 18, 1999, \$4,522,551.84 was  
5       transferred to the Department of the Interior;

6           (6) that judgment amount was deposited in an  
7       escrow account established to provide—

8                (A) \$350,000 for the payment of attor-  
9       ney's fees and expenses; and

10               (B) \$4,172,551.84 for pending Court-or-  
11       dered distribution to the Tribe and individual  
12       Indian trust beneficiaries;

13           (7) on January 31, 2001, the Court approved  
14       a joint stipulation that established procedures for—

15                (A) identification of the class of individual  
16       Indians having an interest in the judgment;

17                (B) notice to and certification of that  
18       class; and

19                (C) the distribution of the judgment  
20       amount to the Tribe and affected class of indi-  
21       vidual Indians;

22           (8)(A) on or about February 14, 2001, in ac-  
23       cordance with the Court-approved stipulation,  
24       \$643,186.73 was transferred to an account estab-

lished by the Secretary for the benefit of the Tribe;  
and

(B) that transferred amount represents—

(i) 54.2 percent of the Tribe's estimated 26-percent share of the amount referred to in paragraph (6)(B); plus

(ii) 50 percent of the Tribe's estimated 26-percent share of interest and capital gains earned on the judgment amount from the period beginning March 18, 1999, and ending on December 31, 2000;

(9) under the Court-approved stipulation—

(A) that transferred amount is to remain available for use by the Tribe in accordance with a plan adopted under the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.);

(B) the Tribe will most likely receive additional payments from the distribution amount once the identification of all individuals eligible to share in the distribution amount is completed and the pro rata shares are calculated; and

(C) those additional payments would include—

1 (i) the balance of the share of the  
2 Tribe of the distribution amount and in-  
3 vestment income earned on the distribution  
4 amount;

5 (ii) the portion of the distribution  
6 amount that represents income derived on  
7 funds in special deposit accounts that are  
8 not attributable to the Tribe or any indi-  
9 vidual Indian; and

10 (iii) the portion of the distribution  
11 amount that represents shares attributable  
12 to individual Indians that—

13 (I) cannot be located for pur-  
14 poses of accepting payment; and

15 (II) will not be bound by the  
16 judgment in the case referred to in  
17 paragraph (1); and

18 (10) pursuant to the Indian Tribal Judgment  
19 Funds Use or Distribution Act (25 U.S.C. 1401 et  
20 seq.), the Secretary is required to submit to Con-  
21 gress for approval an Indian judgment fund use or  
22 distribution plan.

23 **SEC. 5203. DEFINITIONS.**

24 In this subtitle:

1           (1) COURT.—The term “Court” means the  
2       United States Court of Federal Claims.

3           (2) DISTRIBUTION AMOUNT.—The term  
4       “distribution amount” means the amount referred to  
5       in section 5202(a)(6)(B).

6           (3) JUDGMENT AMOUNT.—The term “judgment  
7       amount” means the amount referred to in section  
8       5202(a)(5).

9           (4) PRINCIPAL INDEBTEDNESS.—The term  
10      “principal indebtedness” means the sum referred to  
11      in section 5202(a)(3)(A).

12          (5) TRIBE.—The term “Tribe” means the As-  
13      siniboine and Sioux Tribes of the Fort Peck Res-  
14      ervation.

15   **SEC. 5204. DISTRIBUTION OF JUDGMENT FUNDS.**

16      (a) IN GENERAL.—Notwithstanding any provision of  
17      the Indian Tribal Judgment Funds Use or Distribution  
18      Act (25 U.S.C. 1401 et seq.) to the contrary, the share  
19      of the Tribe of the distribution amount, and such addi-  
20      tional amounts as may be awarded to the Tribe by the  
21      Court with respect to the case referred to in section  
22      5202(a)(1) (including any interest accrued on those  
23      amounts)—



1           (1) shall be made available for tribal health,  
2           education, housing and social services programs of  
3           the Tribe, including—

4                   (A) educational and youth programs;

5                   (B) programs for improvement of facilities  
6           and housing;

7                   (C) programs to provide equipment for  
8           public utilities;

9                   (D) programs to provide medical assistance  
10          or dental, optical, or convalescent equipment;  
11          and

12                  (E) programs to provide senior citizen and  
13          community services; and

14          (2) shall not be available for per capita dis-  
15          tribution to any member of the Tribe.

16          (b) BUDGET SPECIFICATION.—The specific programs  
17          for which funds are made available under subsection  
18          (a)(1), and the amount of funds allocated to each of those  
19          programs, shall be specified in an annual budget developed  
20          by the Tribe and approved by the Secretary.

21       **SEC. 5205. APPLICABLE LAW.**

22          Except as provided in section 5204(a), all funds dis-  
23          tributed under this subtitle are subject to sections 7 and  
24          8 of the Indian Tribal Judgment Funds Use or Distribu-  
25          tion Act (25 U.S.C. 1407, 1408).

**TITLE VI—REPAYMENT OF  
EXPERT WITNESS LOANS**

**SEC. 6001. WAIVER OF REPAYMENT OF EXPERT ASSIST-  
ANCE LOANS TO THE PUEBLO OF SANTO DO-  
MINGO.**

Notwithstanding any other provision of law—

(1) the balances of all expert assistance loans made to the Pueblo of Santo Domingo under Public Law 88–168 (77 Stat. 301), and relating to Pueblo of Santo Domingo v. United States (Docket No. 355 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary of the Interior shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Pueblo of Santo Domingo from any liability associated with any loan described in paragraph (1).

**SEC. 6002. WAIVER OF REPAYMENT OF EXPERT ASSIST-  
ANCE LOANS TO THE OGLALA SIOUX TRIBE.**

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Oglala Sioux Tribe under Public Law 88–168 (77 Stat. 301), and relating to

1 Oglala Sioux Tribe v. United States (Docket No.  
2 117 of the United States Court of Federal Claims),  
3 including all principal and interest, are canceled; and  
4 (2) the Secretary of the Interior shall take such  
5 action as is necessary to—

6 (A) document the cancellation under para-  
7 graph (1); and

8 (B) release the Oglala Sioux Tribe from  
9 any liability associated with any loan described  
10 in paragraph (1).

11 **SEC. 6003. WAIVER OF REPAYMENT OF EXPERT ASSIST-**  
12 **ANCE LOANS TO THE SEMINOLE TRIBE OF**  
13 **OKLAHOMA.**

14 Notwithstanding any other provision of law—

15 (1) the balances of all outstanding expert as-  
16 sistance loans made to the Seminole Tribe of Okla-  
17 homa under Public Law 88–168 (77 Stat. 301), and  
18 relating to Seminole Tribe of Oklahoma v. United  
19 States (Docket No. 247 of the United States Court  
20 of Federal Claims), including all principal and inter-  
21 est, are canceled; and

22 (2) the Secretary of the Interior shall take such  
23 action as is necessary to—

24 (A) document the cancellation under para-  
25 graph (1); and

1 (B) release the Seminole Tribe of Okla-  
 2 homa from any liability associated with any  
 3 loan described in paragraph (1).

4 **TITLE VII—HEALTH-RELATED**  
 5 **PROVISIONS**

6 **SEC. 7001. RURAL HEALTH CARE FACILITY, FORT**  
 7 **BERTHOLD INDIAN RESERVATION, NORTH**  
 8 **DAKOTA.**

9 The Three Affiliated Tribes and Standing Rock Sioux  
 10 Tribe Equitable Compensation Act is amended—

11 (1) in section 3504 (106 Stat. 4732), by adding  
 12 at the end the following:

13 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
 14 are authorized to be appropriated such sums as are nec-  
 15 essary to carry out this section.”; and

16 (2) by striking section 3511 (106 Stat. 4739)  
 17 and inserting the following:

18 **“SEC. 3511. RURAL HEALTH CARE FACILITY, FORT**  
 19 **BERTHOLD INDIAN RESERVATION, NORTH**  
 20 **DAKOTA.**

21 “There is authorized to be appropriated to the Sec-  
 22 retary of Health and Human Services for the construction  
 23 of a rural health care facility on the Fort Berthold Indian  
 24 Reservation of the Three Affiliated Tribes, North Dakota,  
 25 \$20,000,000.”.

1 **SEC. 7002. HEALTH CARE FUNDING ALLOCATION, EAGLE**  
2 **BUTTE SERVICE UNIT.**

3 Section 117 of the Indian Health Care Improvement  
4 Act (25 U.S.C. 1616j) is amended by adding at the end  
5 the following:

6 “(g) CHEYENNE RIVER SIOUX TRIBE BONUS PAY-  
7 MENT.—

8 “(1) IN GENERAL.—Notwithstanding any other  
9 provision of law, to promote more efficient use of the  
10 health care funding allocation for fiscal year 2003,  
11 the Eagle Butte Service Unit of the Indian Health  
12 Service, at the request of the Cheyenne River Sioux  
13 Tribe, may carry out a program under which a  
14 health professional may be paid—

15 “(A) a base salary in an amount up to the  
16 highest grade and step available to a physician,  
17 pharmacist, or other health professional, as the  
18 case may be; and

19 “(B) a recruitment or retention bonus of  
20 up to 25 percent of the base salary rate of the  
21 health professional.

22 “(2) MONITORING AND REPORTING.—If the  
23 Service implements the program under paragraph  
24 (1), the Service shall—

25 “(A) monitor the program closely; and

1           “(B) not later than September 30, 2003,  
 2           submit to the Committee on Indian Affairs of  
 3           the Senate and the Committee on Resources  
 4           and the Committee on Energy and Commerce  
 5           of the House of Representatives a report that  
 6           includes an evaluation of the program.”.

7   **SEC. 7003. INDIAN HEALTH DEMONSTRATION PROJECT.**

8           Section 10 of the Ponca Restoration Act (25 U.S.C.  
 9   983h) is amended by adding at the end the following:

10          “(e) DEMONSTRATION PROJECT.—The Director of  
 11   the Indian Health Service shall direct the Aberdeen Area  
 12   Office of the Indian Health Service to carry out, in coordi-  
 13   nation with the Tribe, a demonstration project to deter-  
 14   mine—

15           “(1) the ability of an urban, restored facility of  
 16   the Tribe to provide health services to members re-  
 17   siding in Douglas County and Sarpy County, Ne-  
 18   braska, and Pottawattamie County, Iowa;

19           “(2) the viability of using third-party billing to  
 20   enable a facility described in paragraph (1) to be-  
 21   come self-sustaining; and

22           “(3) the effectiveness of using a computer-reg-  
 23   istered patient management system in the counties  
 24   specified in paragraph (1).”.

1 **SEC. 7004. ALASKA TREATMENT CENTERS AND FACILITIES.**

2 Section 704(b)(4)(A) of the Indian Health Care Im-  
3 provement Act (25 U.S.C. 1665c(b)(4)(A)) is amended—

4 (1) in clause (i), by striking “and” at the end;

5 (2) in clause (ii), by striking the period at the  
6 end and inserting a semicolon; and

7 (3) by adding at the end the following:

8 “(iii) the Yukon Kuskokwim Health  
9 Corporation, for the purpose of operating  
10 and maintaining a residential and out-  
11 patient child, youth, and family inhalant  
12 prevention and treatment program in  
13 Bethel, Alaska;

14 “(iv) the Southcentral Foundation, for  
15 the purpose of operating and maintaining  
16 a residential substance abuse, mental, and  
17 behavioral health treatment program for  
18 Alaska Native youth in need of those serv-  
19 ices in Anchorage, Alaska;

20 “(v) the Cook Inlet Tribal Council, for  
21 the purpose of operating and maintaining  
22 a residential treatment program, day treat-  
23 ment program, and continuing care pro-  
24 gram for alcohol and drug rehabilitation in  
25 Anchorage, Alaska; and

1 “(vi) the Southeast Alaska Regional  
 2 Health Consortium, for the purpose of op-  
 3 erating and maintaining a residential sub-  
 4 stance abuse treatment program for  
 5 women with children in Sitka, Alaska.”.

6 **TITLE VIII—REAUTHORIZATION**  
 7 **OF NATIVE AMERICAN PRO-**  
 8 **GRAMS**

9 **SEC. 8001. BOSQUE REDONDO MEMORIAL ACT.**

10 Section 206 of the Bosque Redondo Memorial Act  
 11 (16 U.S.C. 431 note; Public Law 106–511) is amended—

12 (1) by striking subsection (a) and inserting the  
 13 following:

14 “(a) IN GENERAL.—There is authorized to be appro-  
 15 priated to carry out this title \$2,000,000 for fiscal year  
 16 2001.”; and

17 (2) in subsection (b), by striking “2002” and  
 18 inserting “2006,”.

19 **SEC. 8002. NAVAJO-HOPI LAND SETTLEMENT ACT OF 1974.**

20 Section 25(a)(8) of Public Law 93–531 (commonly  
 21 known as the “Navajo-Hopi Land Settlement Act of  
 22 1974”) (25 U.S.C. 640d–24(a)(8)) is amended by striking  
 23 “annually for fiscal years 1995, 1996, 1997, 1998, 1999,  
 24 and 2000” and inserting “for each of fiscal years 2002  
 25 through 2006”.



1 **SEC. 8003. INDIAN HEALTH CARE IMPROVEMENT ACT.**

2 (a) INDIAN HEALTH PROFESSIONAL PERSONNEL.—

3 Title I of the Indian Health Care Improvement Act is  
4 amended by striking section 123 (25 U.S.C. 1616p) and  
5 inserting the following:

6 **“SEC. 123. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated to carry out  
8 this title such sums as are necessary for each of fiscal  
9 years 2002 and 2003.”.

10 (b) HEALTH SERVICES.—

11 (1) AUTHORIZATION OF APPROPRIATIONS.—

12 (A) INTERMEDIATE ADOLESCENT MENTAL  
13 HEALTH SERVICES.—Section 209(m) of the In-  
14 dian Health Care Improvement Act (25 U.S.C.  
15 1621h(m)) is amended by striking paragraph  
16 (6) and inserting the following:

17 “(n) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to carry out this section  
19 such sums as are necessary for each of fiscal years 2002  
20 and 2003.”.

21 (B) CALIFORNIA CONTRACT HEALTH SERV-  
22 ICES DEMONSTRATION PROGRAM.—Section 211  
23 of the Indian Health Care Improvement Act  
24 (25 U.S.C. 1621j) is amended by striking sub-  
25 section (g) and inserting the following:

1       “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to carry out this section  
 3 such sums as are necessary for each of fiscal years 2002  
 4 and 2003.”.

5               (C) PATIENT TRAVEL COSTS.—Section 213  
 6 of the Indian Health Care Improvement Act  
 7 (25 U.S.C. 1621*l*) is amended by striking sub-  
 8 section (b) and inserting the following:

9       “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
 10 are authorized to be appropriated to carry out this section  
 11 such sums as are necessary for each of fiscal years 2002  
 12 and 2003.”.

13               (D) EPIDEMIOLOGY CENTERS.—Section  
 14 214(b) of the Indian Health Care Improvement  
 15 Act (25 U.S.C. 1621*m*(b)) is amended by strik-  
 16 ing paragraph (6) and inserting the following:

17       “(6) AUTHORIZATION OF APPROPRIATIONS.—  
 18 There are authorized to be appropriated to carry out  
 19 this subsection such sums as are necessary for each  
 20 of fiscal years 2002 and 2003.”.

21               (E) COMPREHENSIVE SCHOOL HEALTH  
 22 EDUCATION PROGRAMS.—Section 215 of the In-  
 23 dian Health Care Improvement Act (25 U.S.C.  
 24 1621*n*) is amended by striking subsection (g)  
 25 and inserting the following:

1       “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to carry out this section  
 3 such sums as are necessary for each of fiscal years 2002  
 4 and 2003.”.

5               (F) INDIAN YOUTH GRANT PROGRAM.—  
 6       Section 216 of the Indian Health Care Im-  
 7       provement Act (25 U.S.C. 1621o) is amended  
 8       by striking subsection (e) and inserting the fol-  
 9       lowing:

10       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 11 are authorized to be appropriated to carry out this section  
 12 such sums as are necessary for each of fiscal years 2002  
 13 and 2003.”.

14               (2) ADDITIONAL AUTHORIZATION OF APPRO-  
 15       PRIATIONS.—Title II of the Indian Health Care Im-  
 16       provement Act is amended by striking section 224  
 17       (25 U.S.C. 1621w) and inserting the following:

18       **“SEC. 224. AUTHORIZATION OF APPROPRIATIONS.**

19       ““There are authorized to be appropriated to carry out  
 20 this title (other than sections 209(m), 211(g), 213(b),  
 21 214(b)(6), 215(g), and 216(e)) such sums as are nec-  
 22 essary for each of fiscal years 2002 and 2003.”.

23       (c) HEALTH FACILITIES.—Title III of the Indian  
 24 Health Care Improvement Act is amended by striking sec-  
 25 tion 309 (25 U.S.C. 1638a) and inserting the following:

1   **“SEC. 309. AUTHORIZATION OF APPROPRIATIONS.**

2           “‘There are authorized to be appropriated to carry out  
3 this title such sums as are necessary for each of fiscal  
4 years 2002 and 2003.’”.

5           (d) ACCESS TO HEALTH SERVICES.—Title IV of the  
6 Indian Health Care Improvement Act is amended by strik-  
7 ing section 407 (25 U.S.C. 1647) and inserting the fol-  
8 lowing:

9   **“SEC. 407. AUTHORIZATION OF APPROPRIATIONS.**

10          “‘There are authorized to be appropriated to carry out  
11 this title such sums as are necessary for each of fiscal  
12 years 2002 and 2003.’”.

13          (e) HEALTH SERVICES FOR URBAN INDIANS.—Title  
14 V of the Indian Health Care Improvement Act is amended  
15 by striking section 514 (25 U.S.C. 1660d) and inserting  
16 the following:

17   **“SEC. 514. AUTHORIZATION OF APPROPRIATIONS.**

18          “‘There are authorized to be appropriated to carry out  
19 this title such sums as are necessary for each of fiscal  
20 years 2002 and 2003.’”.

21          (f) ORGANIZATIONAL IMPROVEMENTS.—Title VI of  
22 the Indian Health Care Improvement Act is amended by  
23 striking section 603 (25 U.S.C. 1663) and inserting the  
24 following:

1 **“SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out  
3 this title such sums as are necessary for each of fiscal  
4 years 2002 and 2003.”.

5 (g) SUBSTANCE ABUSE PROGRAMS.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—

7 (A) INDIAN WOMEN TREATMENT PRO-  
8 GRAMS.—Section 703 of the Indian Health  
9 Care Improvement Act (25 U.S.C. 1665b) is  
10 amended by striking subsection (d) and insert-  
11 ing the following:

12 “(d) AUTHORIZATION OF APPROPRIATIONS.—

13 “(1) IN GENERAL.—Subject to paragraph (2),  
14 there are authorized to be appropriated to carry out  
15 this section such sums as are necessary for each of  
16 fiscal years 2002 and 2003.

17 “(2) GRANTS.—Of the funds made available  
18 under paragraph (1) for a fiscal year, 20 percent  
19 shall be used to provide grants to urban Indian or-  
20 ganizations funded under title V.”.

21 (B) GALLUP ALCOHOL AND SUBSTANCE  
22 ABUSE TREATMENT CENTER.—Section 706 of  
23 the Indian Health Care Improvement Act (25  
24 U.S.C. 1665e) is amended by striking sub-  
25 section (d) and inserting the following:

1       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to carry out this section  
 3 such sums as are necessary for each of fiscal years 2002  
 4 and 2003.”.

5               (C) FETAL ALCOHOL SYNDROME AND  
 6 FETAL ALCOHOL EFFECT GRANTS.—Section  
 7 708(f)(2) of the Indian Health Care Improve-  
 8 ment Act (25 U.S.C. 1665g) is amended by  
 9 striking subsection (f) and inserting the fol-  
 10 lowing:

11       “(f) AUTHORIZATION OF APPROPRIATIONS.—

12               “(1) IN GENERAL.—Subject to paragraph (2),  
 13 there are authorized to be appropriated to carry out  
 14 this section such sums as are necessary for each of  
 15 fiscal years 2002 and 2003.

16               “(2) GRANTS.—Of the funds made available  
 17 under paragraph (1) for a fiscal year, 10 percent  
 18 shall be used to provide grants to urban Indian or-  
 19 ganizations funded under title V (including to carry  
 20 out demonstration projects that involve 1 or more  
 21 Indian tribes, tribal organizations, or urban Indian  
 22 organizations working with organizations such as the  
 23 National Organization on Fetal Alcohol Syndrome to  
 24 carry out subparagraphs (A) and (F) of subsection  
 25 (a)(2)).”.

1 (D) THUNDER CHILD TREATMENT CEN-  
 2 TER.—Section 710 of the Indian Health Care  
 3 Improvement Act (25 U.S.C. 1665i) is amend-  
 4 ed—

5 (i) by striking “(b) For the purposes  
 6 of” and all that follows through “No fund-  
 7 ing” and inserting the following:

8 “(b) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There are authorized to be  
 10 appropriated to carry out this section such sums as  
 11 are necessary for each of fiscal years 2002 and  
 12 2003.

13 “(2) STAFFING AND OPERATION.—No fund-  
 14 ing”; and

15 (ii) in the third sentence, by striking  
 16 “None of the funding” and inserting the  
 17 following:

18 “(3) ADMINISTRATIVE PURPOSES.—None of the  
 19 funding”.

20 (E) SUBSTANCE ABUSE COUNSELOR EDU-  
 21 CATION DEMONSTRATION PROJECT.—Section  
 22 711 of the Indian Health Care Improvement  
 23 Act (25 U.S.C. 1665j) is amended by striking  
 24 subsection (h) and inserting the following:

1       “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to carry out this section  
 3 such sums as are necessary for each of fiscal years 2002  
 4 and 2003, to remain available until expended.”.

5           (2) ADDITIONAL AUTHORIZATION OF APPRO-  
 6 PRIATIONS.—Title VII of the Indian Health Care  
 7 Improvement Act is amended by striking section 714  
 8 (25 U.S.C. 1665m) and inserting the following:

9       **“SEC. 714. AUTHORIZATION OF APPROPRIATIONS.**

10       “There are authorized to be appropriated to carry out  
 11 this title (other than sections 703(d), 706(d), 708(f),  
 12 710(b), and 711(h)) such sums as are necessary for each  
 13 of fiscal years 2002 and 2003.”.

14       (h) MISCELLANEOUS.—

15           (1) HOME- AND COMMUNITY-BASED CARE DEM-  
 16 ONSTRATION PROJECT.—Section 821 of the Indian  
 17 Health Care Improvement Act (25 U.S.C. 1680k) is  
 18 amended by striking subsection (i) and inserting the  
 19 following:

20       “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
 21 are authorized to be appropriated to carry out this section  
 22 such sums as are necessary for each of fiscal years 2002  
 23 and 2003, to remain available until expended.”.

24           (2) AUTHORIZATION OF APPROPRIATIONS.—  
 25 Title VIII of the Indian Health Care Improvement



1 Act is amended by striking section 825 (25 U.S.C.  
2 1680o) and inserting the following:

3 **“SEC. 825. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to carry out  
5 this title (other than section 821) such sums as are nec-  
6 essary for each of fiscal years 2002 and 2003.”.

7 **SEC. 8004. INDIAN ALCOHOL AND SUBSTANCE ABUSE PRE-**  
8 **VENTION AND TREATMENT ACT OF 1986.**

9 (a) TRIBAL ACTION PLANS.—

10 (1) IN GENERAL.—Section 4206(d) of the In-  
11 dian Alcohol and Substance Abuse Prevention and  
12 Treatment Act of 1986 (25 U.S.C. 2412(d)) is  
13 amended—

14 (A) by striking “(1) The Secretary” and  
15 inserting the following:

16 “(1) IN GENERAL.—The Secretary”; and

17 (B) by striking paragraph (2) and insert-  
18 ing the following:

19 **“(2) AUTHORIZATION OF APPROPRIATIONS.—**

20 There are authorized to be appropriated to carry out  
21 this subsection such sums as are necessary for each  
22 of fiscal years 2002 and 2003.”.

23 (2) ADDITIONAL AUTHORIZATION.—Section  
24 4206(f) of the Indian Alcohol and Substance Abuse

1 Prevention and Treatment Act of 1986 (25 U.S.C.  
2 2412(f)) is amended—

3 (A) by striking “(f)(1) The Secretary” and  
4 inserting the following:

5 “(f) GRANTS FOR IN-SCHOOL TRAINING PRO-  
6 GRAMS.—

7 “(1) IN GENERAL.—The Secretary”;

8 (B) in paragraph (2)—

9 (i) by striking “(2) Funds” and in-  
10 serting the following:

11 “(2) USE OF FUNDS.—Funds”; and

12 (ii) by indenting subparagraphs (A)  
13 through (E) appropriately; and

14 (C) by striking paragraph (3) and insert-  
15 ing the following:

16 “(3) AUTHORIZATION OF APPROPRIATIONS.—

17 There are authorized to be appropriated to carry out  
18 this subsection such sums as are necessary for each  
19 of fiscal years 2002 and 2003.”.

20 (b) NEWSLETTER.—Section 4210 of the Indian Alco-  
21 hol and Substance Abuse Prevention and Treatment Act  
22 of 1986 (25 U.S.C. 2416) is amended by striking sub-  
23 section (b) and inserting the following:

24 “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated to carry out this section

1 such sums as are necessary for each of fiscal years 2002  
2 and 2003.”.

3 (c) INDIAN EDUCATION PROGRAMS.—Section  
4 4212(a) of the Indian Alcohol and Substance Abuse Pre-  
5 vention and Treatment Act of 1986 (25 U.S.C. 2432(a))  
6 is amended—

7 (1) in the first sentence, by striking “The As-  
8 sistant Secretary of Indian Affairs” and inserting  
9 the following:

10 “(1) IN GENERAL.—The Assistant Secretary of  
11 Indian Affairs”;

12 (2) in the second sentence, by striking “The As-  
13 sistant Secretary shall” and inserting the following:

14 “(2) DEFRAYMENT OF COSTS.—The Assistant  
15 Secretary shall”; and

16 (3) by striking the third sentence and inserting  
17 the following:

18 “(3) AUTHORIZATION OF APPROPRIATIONS.—  
19 There are authorized to be appropriated to carry out  
20 this subsection such sums as are necessary for each  
21 of fiscal years 2002 and 2003.”.

22 (d) EMERGENCY SHELTERS.—Section 4213(e) of the  
23 Indian Alcohol and Substance Abuse Prevention and  
24 Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

1           (1) by striking paragraphs (1) through (3) and  
2           inserting the following:

3           “(1) IN GENERAL.—There are authorized to be  
4           appropriated to carry out planning and design, con-  
5           struction, and renovation of, or to purchase or lease  
6           land or facilities for, emergency shelters and halfway  
7           houses to provide emergency care for Indian youth,  
8           such sums as are necessary for each of fiscal years  
9           2002 and 2003.

10          “(2) STAFFING AND OPERATION.—There is au-  
11          thorized to be appropriated for staffing and oper-  
12          ation of emergency shelters and halfway houses de-  
13          scribed in paragraph (1) \$7,000,000 for each of fis-  
14          cal years 2002 and 2003.

15          “(3) ALLOCATION.—

16                 “(A) IN GENERAL.—The Secretary of the  
17                 Interior shall allocate funds made available  
18                 under this subsection to Indian tribes on the  
19                 basis of priority of need of the Indian tribes.

20                 “(B) CONTRACTING AND GRANTS.—Funds  
21                 allocated under subparagraph (A) shall be sub-  
22                 ject to contracting or available for grants under  
23                 the Indian Self-Determination Act (25 U.S.C.  
24                 450f et seq.).”;

1           (2) in paragraph (4), by striking “(4) Funds”  
2           and inserting the following:

3           “(4) CONDITIONS FOR USE.—Funds”; and  
4           (3) in paragraph (5)—

5           (A) by striking “(5) Nothing in this Act  
6           may be construed” and inserting the following:

7           “(5) EFFECT ON OTHER AUTHORITY.—Nothing  
8           in this Act”;

9           (B) in subparagraph (A)—

10           (i) by striking “to limit” and inserting  
11           “limits”; and

12           (ii) by striking “houses, or” and in-  
13           serting “houses; or”; and

14           (C) in subparagraph (B), by striking “to  
15           require” and inserting “requires”.

16           (e) ILLEGAL NARCOTICS TRAFFIC ON THE TOHONO  
17           O’ODHAM AND ST. REGIS RESERVATIONS; SOURCE  
18           ERADICATION.—Section 4216 of the Indian Alcohol and  
19           Substance Abuse Prevention and Treatment Act of 1986  
20           (25 U.S.C. 2442) is amended—

21           (1) in subsection (a), by striking paragraph (3)  
22           and inserting the following:

23           “(3) AUTHORIZATION OF APPROPRIATIONS.—  
24           There is authorized to be appropriated—

1           “(A) to carry out paragraph (1)(A),  
 2           \$1,000,000 for each of fiscal years 2002 and  
 3           2003; and

4           “(B) to carry out provisions of this sub-  
 5           section other than paragraph (1)(A), such sums  
 6           as are necessary for each of fiscal years 2002  
 7           and 2003.”; and

8           (2) in subsection (b), by striking paragraph (2)  
 9           and inserting the following:

10           “(2) AUTHORIZATION OF APPROPRIATIONS.—  
 11           There are authorized to be appropriated to carry out  
 12           this subsection such sums as are necessary for each  
 13           of fiscal years 2002 and 2003.”.

14           (f) BUREAU OF INDIAN AFFAIRS LAW ENFORCE-  
 15           MENT AND JUDICIAL TRAINING.—Section 4218 of the In-  
 16           dian Alcohol and Substance Abuse Prevention and Treat-  
 17           ment Act of 1986 (25 U.S.C. 2451) is amended by strik-  
 18           ing subsection (b) and inserting the following:

19           “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
 20           are authorized to be appropriated to carry out this section  
 21           such sums as are necessary for each of fiscal years 2002  
 22           and 2003.”.

23           (g) JUVENILE DETENTION CENTERS.—Section 4220  
 24           of the Indian Alcohol and Substance Abuse Prevention

1 and Treatment Act of 1986 (25 U.S.C. 2453) is amended  
 2 by striking subsection (b) and inserting the following:

3 “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
 4 are authorized to be appropriated to carry out this section  
 5 such sums as are necessary for each of fiscal years 2002  
 6 and 2003.”.

7 **SEC. 8005. INDIAN CHILD PROTECTION AND FAMILY VIO-**  
 8 **LENCE PREVENTION ACT.**

9 (a) INDIAN CHILD ABUSE TREATMENT GRANT PRO-  
 10 GRAM.—Section 409 of the Indian Child Protection and  
 11 Family Violence Prevention Act (25 U.S.C. 3208) is  
 12 amended by striking subsection (e) and inserting the fol-  
 13 lowing:

14 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 15 is authorized to be appropriated to carry out this section  
 16 \$10,000,000 for each of fiscal years 2002 and 2003.”.

17 (b) INDIAN CHILD RESOURCE AND FAMILY SERV-  
 18 ICES CENTERS.—Section 410 of the Indian Child Protec-  
 19 tion and Family Violence Prevention Act (25 U.S.C. 3209)  
 20 is amended by striking subsection (h) and inserting the  
 21 following:

22 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
 23 is authorized to be appropriated to carry out this section  
 24 \$3,000,000 for each of fiscal years 2002 and 2003.”.

1       (c) INDIAN CHILD PROTECTION AND FAMILY VIO-  
2       LENCE PREVENTION PROGRAM.—Section 411 of the In-  
3       dian Child Protection and Family Violence Prevention Act  
4       (25 U.S.C. 3210) is amended by striking subsection (i)  
5       and inserting the following:

6       “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
7       authorized to be appropriated to carry out this section  
8       \$30,000,000 for each of fiscal years 2002 and 2003.”.

9       **SEC. 8006. NATIVE HAWAIIAN HEALTH CARE IMPROVE-**  
10       **MENT ACT.**

11       (a) NATIVE HAWAIIAN HEALTH CARE SYSTEMS.—  
12       Section 6 of the Native Hawaiian Health Care Improve-  
13       ment Act (42 U.S.C. 11705) is amended by striking sub-  
14       section (h) and inserting the following:

15       “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
16       are authorized to be appropriated such sums as are nec-  
17       essary to carry out this section for each of fiscal years  
18       2002 and 2003.”.

19       (b) NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.—  
20       Section 10 of the Native Hawaiian Health Care Improve-  
21       ment Act (42 U.S.C. 11709) is amended by striking sub-  
22       section (c) and inserting the following:

23       “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
24       are authorized to be appropriated such sums as are nec-



1 essary to carry out this section for each of fiscal years  
2 2002 and 2003.”.

3 **SEC. 8007. FOUR CORNERS INTERPRETIVE CENTER ACT.**

4 Section 7 of the Four Corners Interpretive Center  
5 Act (Public Law 106–143; 113 Stat. 1706) is amended—

6 (1) in subsection (a)(2), by striking “2005” and  
7 inserting “2007”;

8 (2) in subsection (b), by striking “2002” and  
9 inserting “2004”; and

10 (3) in subsection (c), by striking “2001” and  
11 inserting “2003”.

12 **SEC. 8008. ENVIRONMENTAL DISPUTE RESOLUTION FUND.**

13 Section 13 of the Morris K. Udall Scholarship and  
14 Excellence in National Environmental and Native Amer-  
15 ican Public Policy Act of 1992 (20 U.S.C. 5609) is amend-  
16 ed by striking subsection (b) and inserting the following:

17 “(b) ENVIRONMENTAL DISPUTE RESOLUTION  
18 FUND.—There is authorized to be appropriated to the En-  
19 vironmental Dispute Resolution Fund established by sec-  
20 tion 10 \$4,000,000 for each of fiscal years 2004 through  
21 2008, of which—

22 “(1) \$3,000,000 shall be used to pay operations  
23 costs (including not more than \$1,000 for official re-  
24 ception and representation expenses); and

“(2) \$1,000,000 shall be used for grants or other appropriate arrangements to pay the costs of services provided in a neutral manner relating to, and to support the participation of non-Federal entities (such as State and local governments, tribal governments, nongovernmental organizations, and individuals) in, environmental conflict resolution proceedings involving Federal agencies.”.

## **TITLE IX—MISCELLANEOUS PROVISIONS**

### **Subtitle A—Cultural Provisions**

#### **SEC. 9101. OKLAHOMA NATIVE AMERICAN CULTURAL CENTER AND MUSEUM.**

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

(1) In order to promote better understanding between Indian and non-Indian citizens of the United States, and in light of the Federal Government’s continuing trust responsibilities to Indian tribes, it is appropriate, desirable, and a proper function of the Federal Government to provide grants for the development of a museum designated to display the heritage and culture of Indian tribes.

(2) In recognition of the unique status and history of Indian tribes in the State of Oklahoma and

1 the role of the Federal Government in such history,  
2 it is appropriate and proper for the museum referred  
3 to in paragraph (1) to be located in the State of  
4 Oklahoma.

5 (b) GRANT.—

6 (1) IN GENERAL.—The Director shall offer to  
7 award financial assistance equaling not more than  
8 \$33,000,000 and technical assistance to the Author-  
9 ity to be used for the development and construction  
10 of a Native American Cultural Center and Museum  
11 in Oklahoma City, Oklahoma.

12 (2) AGREEMENT.—To be eligible to receive a  
13 grant under paragraph (1), the appropriate official  
14 of the Authority shall—

15 (A) enter into a grant agreement with the  
16 Director which shall specify the duties of the  
17 Authority under this section, including provi-  
18 sions for continual maintenance of the Center  
19 by the Authority without the use of Federal  
20 funds; and

21 (B) demonstrate, to the satisfaction of the  
22 Director, that the Authority has raised, or has  
23 commitments from private persons or State or  
24 local government agencies for, an amount that  
25 is equal to not less than 66 percent of the cost

1 to the Authority of the activities to be carried  
2 out under the grant.

3 (3) LIMITATION.—The amount of any grant  
4 awarded under paragraph (1) shall not exceed 33  
5 percent of the cost of the activities to be funded  
6 under the grant.

7 (4) IN-KIND CONTRIBUTION.—When calculating  
8 the cost share of the Authority under this Act, the  
9 Director shall reduce such cost share obligation by  
10 the fair market value of the approximately 300 acres  
11 of land donated by Oklahoma City for the Center, if  
12 such land is used for the Center.

13 (c) DEFINITIONS.—For the purposes of this Act:

14 (1) AUTHORITY.—The term “Authority” means  
15 the Native American Cultural and Educational Au-  
16 thority of Oklahoma, and agency of the State of  
17 Oklahoma.

18 (2) CENTER.—The term “Center” means the  
19 Native American Cultural Center and Museum au-  
20 thorized pursuant to this section.

21 (3) DIRECTOR.—The term “Director” means  
22 the Director of the Institute of Museum and Library  
23 Services.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated to the Director to grant

1 assistance under subsection (b)(1), \$8,250,000 for each  
2 of fiscal years 2003 through 2006.

3 **SEC. 9102. REHABILITATION OF CELILO INDIAN VILLAGE.**

4 Section 401(b)(3) of Public Law 100–581 (102 Stat.  
5 2944) is amended by inserting “and Celilo Village” after  
6 “existing sites”.

7 **SEC. 9103. CONVEYANCE OF NATIVE ALASKAN OBJECTS.**

8 Notwithstanding any provision of law affecting the  
9 disposal of Federal property, on the request of the Chu-  
10 gach Alaska Corporation or Sealaska Corporation, the  
11 Secretary of Agriculture shall convey to whichever of those  
12 corporations that has received title to a cemetery site or  
13 historical place on National Forest System land conveyed  
14 under section 14(h)(1) of the Alaska Native Claims Settle-  
15 ment Act (43 U.S.C. 1613(h)(1)) all artifacts, physical re-  
16 mains, and copies of any available field records that—

17 (1)(A) are in the possession of the Secretary of  
18 Agriculture; and

19 (B) have been collected from the cemetery site  
20 or historical place; but

21 (2) are not required to be conveyed in accord-  
22 ance with the Native American Graves Protection  
23 Act and Repatriation Act (25 U.S.C. 3001 et seq.)  
24 or any other applicable law.

## 1 **Subtitle B—Indian Probate Reform**

### 2 **SEC. 9201. SHORT TITLE.**

3       This subtitle may be cited as the “Indian Probate Re-  
4 form Act of 2002”.

### 5 **SEC. 9202. FINDINGS.**

6       Congress makes the following findings:

7           (1) The General Allotment Act of 1887  
8       (commonly known as the ‘Dawes Act’), which au-  
9       thorized the allotment of Indian reservations, did not  
10      allow Indian allotment owners to provide for the tes-  
11      tamentary disposition of the land that was allotted  
12      to those owners.

13          (2) The Dawes Act provided that allotments  
14      would descend according to State law of intestate  
15      succession based on the location of the allotment.

16          (3) The Federal Government’s reliance on the  
17      State law of intestate succession with respect to the  
18      descendency of allotments has resulted in numerous  
19      problems affecting Indian tribes, their members, and  
20      the Federal Government. Those problems include—

21           (A) the increasing fractionated ownership  
22           of trust and restricted land as that land is in-  
23           herited by successive generations of owners as  
24           tenants in common;

1 (B) the application of different rules of in-  
2 testate succession to each of a decedent's inter-  
3 ests in trust and restricted land if that land is  
4 located within the boundaries of more than 1  
5 State, which application makes probate plan-  
6 ning unnecessarily difficult and impedes efforts  
7 to provide probate planning assistance or ad-  
8 vice;

9 (C) the absence of a uniform general pro-  
10 bate code for trust and restricted land which  
11 makes it difficult for Indian tribes to work co-  
12 operatively to develop tribal probate codes; and

13 (D) the failure of Federal law to address  
14 or provide for many of the essential elements of  
15 general probate law, either directly or by ref-  
16 erence, which is unfair to the owners of trust  
17 and restricted land and their heirs and devisees  
18 and which makes probate planning more dif-  
19 ficult.

20 (4) Based on the problems identified in para-  
21 graph (3), a uniform Federal probate code would  
22 likely—

23 (A) reduce the number of unnecessary  
24 fractionated interests in trust or restricted land;

1 (B) facilitate efforts to provide probate  
2 planning assistance and advice;

3 (C) facilitate inter-tribal efforts to produce  
4 tribal probate codes pursuant to section 206 of  
5 the Indian Land Consolidation Act (25 U.S.C.  
6 2205); and

7 (D) provide essential elements of general  
8 probate law that are not applicable on the date  
9 of enactment of this subtitle to interests in  
10 trust or restricted land.

## 11 **CHAPTER 1—INDIAN PROBATE REFORM**

### 12 **SEC. 9211. INDIAN PROBATE REFORM.**

13 (a) TESTAMENTARY DISPOSITION.—Subsection (a) of  
14 section 207 of the Indian Land Consolidation Act (25  
15 U.S.C. 2206(a)) is amended to read as follows:

16 “(a) TESTAMENTARY DISPOSITION.—

17 “(1) GENERAL DEVISE OF AN INTEREST IN  
18 TRUST OR RESTRICTED LAND.—

19 “(A) IN GENERAL.—Subject to any appli-  
20 cable Federal law relating to the devise or de-  
21 scent of trust or restricted property, or a tribal  
22 probate code enacted pursuant to section 206,  
23 the owner of an interest in trust or restricted  
24 land may devise such an interest to the Indian  
25 tribe with jurisdiction over the land so devised,



1 or to any Indian in trust or restricted status or  
 2 as a passive trust interest (as provided for in  
 3 section 207A).

4 “(B) STATUS.—The devise of an interest  
 5 in trust or restricted land to an Indian under  
 6 subparagraph (A) shall not alter the status of  
 7 such an interest as a trust or restricted interest  
 8 unless the testator provides that the interest is  
 9 to be held as a passive trust interest.

10 “(2) DEVISE OF TRUST OR RESTRICTED LAND  
 11 IN PASSIVE TRUST OR FEE STATUS.—

12 “(A) IN GENERAL.—Except as provided in  
 13 any applicable Federal law, any interest in trust  
 14 or restricted land that is not devised pursuant  
 15 to paragraph (1) may only be devised—

16 “(i) as a life estate to any non-Indian  
 17 person (the remainder interest may only be  
 18 devised pursuant to clause (ii), subpara-  
 19 graph (C), or paragraph (1)(A));

20 “(ii)(I) to the testator’s lineal de-  
 21 scendant or heir of the 1st or 2nd degree  
 22 as a passive trust interest (to be known as  
 23 an ‘eligible passive trust devisee’); or

24 “(II) if the testator does not have an  
 25 heir of the 1st or 2nd degree or a lineal

1 descendant, to any lineal descendant of a  
 2 testator's Indian grandparent as a passive  
 3 trust interest (to be known as an 'eligible  
 4 passive trust devisee'); or

5 “(iii) in fee status as provided for in  
 6 subparagraph (C).

7 “(B) PRESUMED DEVISE OF PASSIVE  
 8 TRUST INTEREST.—Any devise to an eligible  
 9 passive trust devisee, including the devise of a  
 10 remainder interest from the devise of a life es-  
 11 tate under subparagraph (A)(ii), that does not  
 12 indicate whether the interest is devised as a  
 13 passive trust interest or a fee interest shall be  
 14 construed to devise a passive trust interest.

15 “(C) DEVISE OF A FEE INTEREST.—Sub-  
 16 ject to subparagraph (D), any interest in trust  
 17 or restricted land that is not devised pursuant  
 18 to paragraph (1), or devised to an eligible pas-  
 19 sive trust devisee pursuant to subparagraph  
 20 (A), may be devised to a non-Indian in fee sta-  
 21 tus.

22 “(D) LIMITATION.—Any interest in trust  
 23 or restricted land that is subject to section 4 of  
 24 the Act of June 18, 1934 (25 U.S.C. 464) may  
 25 only be devised pursuant to such section 4, sub-

1 paragraph (A) of this paragraph, or paragraph  
2 (1) of this subsection.

3 “(3) DEVISE OF A PASSIVE TRUST INTEREST.—

4 “(A) IN GENERAL.—The holder of an in-  
5 terest in trust or restricted land that is held as  
6 a passive trust interest may devise the interest  
7 as a passive trust interest only to—

8 “(i) any Indian or the Indian tribe  
9 that exercises jurisdiction over the interest;

10 “(ii) the holder’s lineal descendants or  
11 heirs of the first or second degree;

12 “(iii) any living descendant of the de-  
13 cedent from whom the holder acquired the  
14 interest by devise or descent; and

15 “(iv) any person who owns a pre-exist-  
16 ing interest or a passive trust interest in  
17 the same parcel of land if the pre-existing  
18 interest is held in trust or restricted status  
19 or in passive trust status.

20 “(B) INELIGIBLE DEVISEES AND INTES-  
21 TATE SUCCESSION.—A passive trust interest  
22 that is devised to a person who is not eligible  
23 under subparagraph (A) or that is not disposed  
24 of by a valid will shall pass pursuant to the ap-

1 applicable law of intestate succession as provided  
 2 for in subsection (b).”.

3 (b) INTESTATE SUCCESSION.—Subsection (b) of sec-  
 4 tion 207 of the Indian Land Consolidation Act (25 U.S.C.  
 5 2206(b)) is amended to read as follows:

6 “(b) INTESTATE SUCCESSION.—

7 “(1) RULES OF DESCENT.—

8 “(A) IN GENERAL.—Subject to any appli-  
 9 cable Federal law relating to the devise or de-  
 10 scent of trust or restricted property, any inter-  
 11 est in trust or restricted land that is not dis-  
 12 posed of by a valid will shall—

13 “(i) descend according to a tribal pro-  
 14 bate code that is approved pursuant to sec-  
 15 tion 206; or

16 “(ii) in the case of an interest in trust  
 17 or restricted land to which such a code  
 18 does not apply, be considered an ‘intestate  
 19 interest’ and descend pursuant to para-  
 20 graph (2), this Act, and other applicable  
 21 Federal law.

22 “(B) CLASSIFICATIONS.—For purposes of  
 23 applying this subsection, intestate interests re-  
 24 ferred to in subparagraph (A)(ii) shall be classi-  
 25 fied as either—

1 “(i) a devise or inheritance interest  
2 (an interest acquired by a decedent  
3 through devise or inheritance); or

4 “(ii) an acquired interest (an interest  
5 acquired by a decedent by any means other  
6 than devise or inheritance and an interest  
7 acquired by a decedent through devise or  
8 inheritance)—

9 “(I) if the decedent—

10 “(aa) acquired additional  
11 undivided interests in the same  
12 parcel as the interest, by a means  
13 other than devise or inheritance;  
14 or

15 “(bb) acquired land adjoin-  
16 ing the parcel of land that in-  
17 cludes the interest; or

18 “(II) if the parcel of land that in-  
19 cludes the interest includes the dece-  
20 dent’s spouse’s residence.

21 “(2) **INTESTATE SUCCESSION.**—An interest in  
22 trust or restricted land described in paragraph  
23 (1)(A)(ii) (an intestate interest) shall descend as  
24 provided for in this paragraph:

1           “(A) SURVIVING INDIAN SPOUSE.—If a de-  
2           cedent is survived by an Indian spouse and the  
3           decedent’s estate includes—

4                   “(i) one or more acquired interests,  
5           the decedent’s spouse shall receive all such  
6           acquired interests; or

7                   “(ii) one or more devise or inheritance  
8           Interests, and—

9                   “(I) the decedent is not survived  
10           by an Indian heir of the first or sec-  
11           ond degree, the decedent’s spouse  
12           shall receive all such devise or inherit-  
13           ance interests; or

14                   “(II) the decedent is survived by  
15           an Indian heir of the first or second  
16           degree, the decedent’s devise or inher-  
17           itance interest shall descend pursuant  
18           to paragraph (3)(A).

19           “(B) SURVIVING NON-INDIAN SPOUSE.—If  
20           a decedent is survived by a non-Indian spouse  
21           and the decedent’s estate includes—

22                   “(i) one or more acquired interests,  
23           the decedent’s spouse shall receive a life  
24           estate in such acquired interest, and if the  
25           decedent is—

1 “(I) survived by an Indian heir of  
 2 the 1st or 2nd degree, the remainder  
 3 interests shall descend pursuant to  
 4 paragraph (3)(A); or

5 “(II) not survived by an Indian  
 6 heir of the 1st or 2nd degree, the re-  
 7 mainder interest shall descend pursu-  
 8 ant to paragraph (3)(C); or

9 “(ii) one or more devise or inheritance  
 10 interests, and the decedent is—

11 “(I) survived by an Indian heir of  
 12 the 1st or 2nd degree, such devise or  
 13 inheritance interests shall descend  
 14 pursuant to paragraph (3)(A); or

15 “(II) not survived by an Indian  
 16 heir of the 1st or 2nd degree, such de-  
 17 vise or inheritance interest shall de-  
 18 scend pursuant to paragraph (3)(C).

19 “(C) NO SURVIVING SPOUSE.—If the dece-  
 20 dent is not survived by a spouse, and the dece-  
 21 dent’s estate includes one or more acquired in-  
 22 terests or one or more devise or inheritance in-  
 23 terests and the decedent is—

24 “(i) survived by an Indian heir of the  
 25 1st or 2nd degree, the acquired interests or

1           devise or inheritance interests shall de-  
 2           scend pursuant to paragraph (3)(A); or

3           “(ii) not survived by an Indian heir of  
 4           the 1st or 2nd degree, the acquired inter-  
 5           ests or devise or inheritance interests shall  
 6           descend pursuant to paragraph (3)(C).

7           “(3) RULES APPLICABLE TO INTESTATE SUC-  
 8           CESSION.—

9           “(A) INDIAN HEIRS.—For purposes of this  
 10          subsection, Indian heirs of the 1st or 2nd de-  
 11          gree shall inherit in the following order:

12          “(i) The Indian children of the dece-  
 13          dent, in equal shares, or if one or more of  
 14          those Indian children do not survive the  
 15          decedent, such Indian children of the dece-  
 16          dent’s deceased child shall inherit by right  
 17          of representation.

18          “(ii) If the decedent has no Indian  
 19          children or grandchildren (that take by  
 20          representation under clause (i)), to the de-  
 21          cedent’s Indian brothers and sisters in  
 22          equal shares.

23          “(iii) If the decedent has no Indian  
 24          brothers or sisters, to the decedent’s In-  
 25          dian parent or parents.



1           “(B) RIGHT OF REPRESENTATION.—For  
 2           purpose of this subsection, in any case involving  
 3           the determination of a right of representation—

4                   “(i) each interest in trust land shall  
 5                   be equally divided into a number of shares  
 6                   that equals the sum of—

7                           “(I) the number of surviving  
 8                           heirs in the nearest degree of kinship;  
 9                           and

10                           “(II) the number of deceased  
 11                           persons in that same degree, if any,  
 12                           who left issue who survive the dece-  
 13                           dent;

14                           “(ii) each surviving heir described in  
 15                           clause (i)(I) shall receive 1 share; and

16                           “(iii)(I) each deceased person de-  
 17                           scribed in clause (i)(II) shall receive 1  
 18                           share; and

19                           “(II) that share shall be divided  
 20                           equally among the surviving issue of the  
 21                           deceased person.

22           “(C) NO INDIAN HEIRS.—

23                   “(i) IN GENERAL.—For purposes of  
 24                   this subsection, if a decedent does not have  
 25                   an Indian heir of the 1st or 2nd degree, an

1 interest shall descend to an Indian collat-  
 2 eral heir who is a co-owner of an interest  
 3 owned by the decedent if any.

4 “(ii) MULTIPLE COLLATERAL  
 5 HEIRS.—If—

6 “(I) more than one Indian collat-  
 7 eral heir owns an interest in an inter-  
 8 est referred to in clause (i), the inter-  
 9 est shall descend to the collateral heir  
 10 that owns the largest undivided inter-  
 11 est in the parcel; or

12 “(II) two or more collateral heirs  
 13 own equal shares in an interest re-  
 14 ferred to in clause (i), the interest  
 15 passing pursuant to this subsection  
 16 shall be divided equally between those  
 17 collateral heirs that own equal shares.

18 “(iii) NO OWNERSHIP.—If none of the  
 19 decedent’s collateral heirs own an interest  
 20 in the interest referred to in clause (i), the  
 21 interest shall descend to the Indian tribe  
 22 that exercises jurisdiction over the parcel  
 23 of trust or restricted lands involved, sub-  
 24 ject to clause (iv).

1                   “(iv) ACQUISITION OF INTEREST.—

2                   Notwithstanding clause (iii), an Indian co-  
 3                   owner of a parcel of trust or restricted  
 4                   land may acquire an interest subject to  
 5                   such clause by paying into the decedent’s  
 6                   estate, before the close of the probate of  
 7                   the decedent’s estate, the fair market value  
 8                   of the interest in such land. If more than  
 9                   1 Indian co-owner (including the Indian  
 10                  tribe referred to in clause (iii)) offers to  
 11                  pay for such an interest, the highest bidder  
 12                  shall acquire the interest.

13                  “(v) DEFINITION.—In this subpara-  
 14                  graph, the term ‘collateral heir’ means the  
 15                  decedent’s aunt, uncle, niece, nephew, and  
 16                  first cousin.

17                  “(4) SPECIAL RULE RELATING TO SURVIVAL.—

18                  For purposes of this section, an individual who fails  
 19                  to survive a decedent by at least 120 hours is  
 20                  deemed to have predeceased the decedent for the  
 21                  purposes of intestate succession, and the heirs of the  
 22                  decedent shall be determined accordingly. If it is not  
 23                  established by clear and convincing evidence that an  
 24                  individual who would otherwise be an heir survived  
 25                  the decedent by at least 120 hours, the individual

1 shall be deemed to have failed to survive for the re-  
 2 quired time-period for the purposes of the preceding  
 3 sentence.

4 “(5) PRETERMITTED SPOUSES AND CHIL-  
 5 DREN.—

6 “(A) SPOUSES.—For the purposes of this  
 7 section, if the surviving spouse of a testator  
 8 married the testator after the testator executed  
 9 his or her will, the surviving spouse shall re-  
 10 ceive the intestate share in trust or restricted  
 11 land that the spouse would have otherwise re-  
 12 ceived if the testator had died intestate. The  
 13 preceding sentence shall not apply to an inter-  
 14 est in trust or restricted land where—

15 “(i) the will is executed before the  
 16 date of enactment of this subsection;

17 “(ii) the testator’s spouse is a non-In-  
 18 dian and the testator has devised his or  
 19 her interests in trust or restricted land to  
 20 an Indian or Indians;

21 “(iii) it appears from the will or other  
 22 evidence that the will was made in con-  
 23 templation of the testator’s marriage to  
 24 the surviving spouse;

1           “(iv) the will expresses the intention  
2           that it is to be effective notwithstanding  
3           any subsequent marriage; or

4           “(v) the testator provided for the  
5           spouse by a transfer of funds or property  
6           outside of the will and an intent that the  
7           transfer be in lieu of a testamentary provi-  
8           sion is demonstrated by the testator’s  
9           statements or is reasonably inferred from  
10          the amount of the transfer or other evi-  
11          dence.

12          “(B) CHILDREN.—For the purposes of this  
13          section, if a testator executed his or her will  
14          prior to the birth or adoption of 1 or more chil-  
15          dren of the testator and the omission is the  
16          product of inadvertence rather than an inten-  
17          tional omission, those children shall share in the  
18          decedent’s intestate interests in trust or re-  
19          stricted land as if the decedent had died intes-  
20          tate. Any person recognized as an heir by virtue  
21          of adoption under the Act of July 8, 1940 (54  
22          Stat 746), shall be treated as a decedent’s child  
23          under this section.

24          “(6) DIVORCE.—

25          “(A) SURVIVING SPOUSE.—

“(i) IN GENERAL.—For the purposes of this section, an individual who is divorced from the decedent, or whose marriage to the decedent has been annulled, shall not be considered to be a surviving spouse unless, by virtue of a subsequent marriage, the individual is married to the decedent at the time of death. A decree of separation that does not terminate the status of husband and wife shall not be considered a divorce for the purposes of this subsection.

“(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to prevent an entity responsible for adjudicating interests in trust or restricted land from giving force and effect to a property right settlement if one of the parties to the settlement dies before the issuance of a final decree dissolving the marriage of the parties to the property settlement.

“(B) EFFECT OF SUBSEQUENT DIVORCE ON A WILL OR DEVISE.—If after executing a will the testator is divorced or the marriage of the testator is annulled, upon the effective date

1 of the divorce or annulment any disposition of  
 2 interests in trust or restricted land made by the  
 3 will to the former spouse shall be deemed to be  
 4 revoked unless the will expressly provides other-  
 5 wise. Property that is prevented from passing  
 6 to a former spouse based on the preceding sen-  
 7 tence shall pass as if the former spouse failed  
 8 to survive the decedent. Any provision of a will  
 9 that is revoked solely by operation of this para-  
 10 graph shall be revived by the testator's remar-  
 11 riage to the former spouse.

12 “(7) NOTICE.—To the extent practicable, the  
 13 Secretary shall notify the owners of trust and re-  
 14 stricted land of the provisions of this Act. The notice  
 15 may, at the discretion of the Secretary, be provided  
 16 together with the notice required under section  
 17 207(g).”.

18 (c) RULE OF CONSTRUCTION.—Section 207 of the  
 19 Indian Land Consolidation Act (25 U.S.C. 2206) is  
 20 amended by adding at the end the following:

21 “(h) RULE OF CONSTRUCTION.—For purposes of  
 22 subsections (a) and (b), any reference to ‘applicable Fed-  
 23 eral law’ shall be construed to include Public Law 91-627  
 24 (84 Stat. 1874, amending section 7 of the Act of August  
 25 9, 1946), Public Law 92-377 (86 Stat. 530), Public Law

1 92-443 (86 Stat. 744), Public Law 96-274 (94 Stat. 537),  
2 and Public Law 98-513 (98 Stat. 2411). Nothing in this  
3 section shall be construed to amend or alter such Public  
4 Laws or any other Federal law that provides for the devise  
5 and descent of any trust or restricted lands located on a  
6 specific Indian reservation.”.

7 (d) PASSIVE TRUST STATUS FOR TRUST OR RE-  
8 STRICTED LAND.—The Indian Land Consolidation Act is  
9 amended by inserting after section 207 (25 U.S.C. 2206)  
10 the following:

11 **“SEC. 207A. PASSIVE TRUST STATUS FOR TRUST OR RE-**  
12 **STRICTED LAND.**

13 “(a) PASSIVE TRUST.—The owner of an interest in  
14 trust or restricted land may submit an application to the  
15 Secretary requesting that such interest be held in passive  
16 trust interest status. Such application may authorize the  
17 Secretary to amend or alter any existing lease or agree-  
18 ment with respect to the interest that is the subject of  
19 the application.

20 “(b) APPROVAL.—Upon the approval of an applica-  
21 tion by the Secretary under subsection (a), an interest in  
22 trust or restricted land shall be held as a passive trust  
23 interest in accordance with this section.



1       “(c) REQUIREMENTS.—Except as provided in this  
2 section, an interest in trust or restricted land that is held  
3 as a passive trust interest under this section—

4               “(1) shall continue to be covered under any ap-  
5 plicable tax-exempt status and continue to be subject  
6 to any restrictions on alienation until such interest  
7 is patented in fee status;

8               “(2) may, without the approval of the Sec-  
9 retary, be—

10               “(A) leased for a period of not to exceed  
11 25 years;

12               “(B) mortgaged pursuant to the Act of  
13 March 29, 1956 (25 U.S.C. 483a); or

14               “(C) sold or conveyed to an Indian, the In-  
15 dian tribe that exercises jurisdiction over the in-  
16 terest, or a co-owner of an interest in the same  
17 parcel of land if the co-owner owns a pre-exist-  
18 ing trust, restricted interest, or a passive trust  
19 interest in the parcel; and

20               “(3) may be subject to an ordinance or resolu-  
21 tion enacted under subsection (d).

22       “(d) ORDINANCE OR RESOLUTION FOR REMOVAL OF  
23 STATUS.—

24               “(1) IN GENERAL.—The governing body of the  
25 Indian tribe that exercises jurisdiction over an inter-

1 est in trust or restricted land that is held as a pas-  
2 sive trust interest in accordance with this section  
3 may enact an ordinance or resolution to allow the  
4 owner of such an interest to apply to the Secretary  
5 for the removal of the trust or restricted status of  
6 such portion of such lands that are subject to the  
7 tribe's jurisdiction.

8 “(2) REVIEW BY SECRETARY.—The Secretary  
9 shall review and may approve an ordinance or reso-  
10 lution enacted by an Indian tribe pursuant to para-  
11 graph (1) if the Secretary determines that the ordi-  
12 nance or resolution is consistent with this Act and  
13 will not increase fractionated ownership of Indian  
14 land.

15 “(e) REVENUES OR ROYALTIES.—

16 “(1) IN GENERAL.—Except as provided in para-  
17 graph (2), the Secretary shall not be responsible for  
18 the collection of or accounting for any lease revenues  
19 or royalties accruing to an interest held as a passive  
20 trust interest by any person under this section.

21 “(2) EXCEPTION.—Paragraph (1) shall not  
22 apply to an interest described in such paragraph if  
23 the Secretary approves an application to have such  
24 interest be taken into active trust status on behalf

1 of an Indian or an Indian tribe pursuant to regula-  
2 tions enacted by the Secretary.

3 “(3) RULE OF CONSTRUCTION.—Nothing in  
4 this subsection shall be construed to alter the au-  
5 thority or responsibility of the Secretary, if any, with  
6 respect to an interest in trust or restricted land held  
7 in active trust status, including an undivided inter-  
8 est within the same parcel of land as an undivided  
9 passive trust interest.

10 “(f) JURISDICTION OVER PASSIVE TRUST INTER-  
11 EST.—An Indian tribe that exercises jurisdiction over an  
12 interest in trust or restricted land that is devised or held  
13 as a passive trust interest under this section shall continue  
14 to exercise jurisdiction over the land that is held as a pas-  
15 sive trust interest and any person holding, leasing, or oth-  
16 erwise using such land shall be deemed to have consented  
17 to the jurisdiction of such a tribe with respect to the use  
18 of such land, including any impacts associated with any  
19 use of such lands.

20 “(g) PROBATE OF PASSIVE TRUST INTERESTS.—An  
21 interest in trust or restricted land that is held as a passive  
22 trust interest under this section shall be subject to probate  
23 by the Secretary pursuant to this Act and other laws ap-  
24 plicable to the probate of trust or restricted land. Any in-  
25 terested party may file an application to commence the

1 probate of an interest in trust or restricted land held as  
 2 a passive trust interest.

3 “(h) REGULATIONS.—The Secretary shall promul-  
 4 gate regulations to implement this section.”.

5 (e) PARTITION.—Section 205 of the Indian Land  
 6 Consolidation Act (25 U.S.C. 2204) is amended by adding  
 7 at the end the following:

8 “(c) PARTITION.—

9 “(1) IN GENERAL.—Notwithstanding any other  
 10 provision of law, in accordance with this subsection  
 11 and subject to paragraphs (2), (3), and (4)—

12 “(A) an Indian tribe may apply to the Sec-  
 13 retary for the partition of a parcel of land that  
 14 is—

15 “(i) located within the reservation of  
 16 the Indian tribe; or

17 “(ii) otherwise under the jurisdiction  
 18 of the Indian tribe; and

19 “(B) the Secretary may commence a proc-  
 20 ess for partitioning a parcel of land as provided  
 21 for in paragraphs (2)(B) and (6)(B), if—

22 “(i) an Indian tribe owns an undi-  
 23 vided interest in the parcel of land and  
 24 such tribe consents to the partition;

1 “(ii)(I) the tribe referred to in clause  
 2 (i) meets the ownership requirement of  
 3 clauses (i) or (ii) of paragraph (2)(B); or

4 “(II) the Secretary determines that it  
 5 is reasonable to believe that the partition  
 6 would be in accordance with paragraph  
 7 (2)(B)(iii); and

8 “(iii) the tribe referred to in para-  
 9 graph (3), if any, consents to the partition.

10 For purposes of this subsection, the term ‘eligible  
 11 Indian tribe’ means an Indian tribe described in sub-  
 12 paragraph (A) and (B)(i).

13 “(2) TRIBAL OWNERSHIP.—A parcel of land  
 14 may be partitioned under this subsection if, with re-  
 15 spect to the eligible Indian tribe involved—

16 “(A) the tribe owns an undivided interest  
 17 in the parcel of land; and

18 “(B)(i) the tribe owns 50 percent or more  
 19 of the undivided interest in the parcel;

20 “(ii) the tribe is the owner of the largest  
 21 quantity of undivided interest in the parcel; or

22 “(iii) the owners of undivided interests  
 23 equal to at least 50 percent of the undivided in-  
 24 terests in the parcel (including any undivided

1 interest owned by the tribe) consent or do not  
2 object to the partition.

3 “(3) TRIBAL CONSENT.—A parcel of land that  
4 is located within the reservation of an Indian tribe  
5 or otherwise under the jurisdiction of an Indian tribe  
6 shall be partitioned under this subsection only if the  
7 Indian tribe does not object to the partition.

8 “(4) APPLICABILITY.—This subsection shall not  
9 apply to any parcel of land that is the bona fide resi-  
10 dence of any person unless the person consents to  
11 the partition in writing.

12 “(5) PARTITION IN KIND.—

13 “(A) IN GENERAL.—The Secretary shall  
14 commence the partition process described in  
15 subparagraph (B) if—

16 “(i) an eligible Indian tribe applies to  
17 partition a parcel of land under this para-  
18 graph; and

19 “(ii)(I) the Secretary determines that  
20 the Indian tribe meets the applicable own-  
21 ership requirements of clause (i) or (ii) of  
22 paragraph (2)(B); or

23 “(II) the Secretary determines that it  
24 is reasonable to believe that the partition

1 would be in accordance with paragraph  
2 (2)(B)(iii).

3 “(B) PARTITION PROCESS.—In carrying  
4 out any partition, the Secretary shall—

5 “(i) provide, to each owner of any un-  
6 divided interest in the parcel to be parti-  
7 tioned, through publication or other appro-  
8 priate means, notice of the proposed parti-  
9 tion;

10 “(ii) make available to any interested  
11 party a copy of any proposed partition  
12 plan submitted by an Indian tribe or pro-  
13 posed by the Secretary; and

14 “(iii) review—

15 “(I) any proposed partition plan  
16 submitted by any owner of an undi-  
17 vided interest in the parcel; and

18 “(II) any comments or objections  
19 concerning a partition, or any pro-  
20 posed plan of partition, submitted by  
21 any owner or any other interested  
22 party.

23 “(C) DETERMINATION NOT TO PARTI-  
24 TION.—If the Secretary determines that a par-  
25 cel of land cannot be partitioned in a manner

1           that is fair and equitable to the owners of the  
2           parcel, the Secretary shall inform each owner of  
3           the parcel of—

4                   “(i) the determination of the Sec-  
5                   retary; and

6                   “(ii) the right of the owner to appeal  
7                   the determination.

8                   “(D) PARTITION WITH CONSENT OF  
9                   QUALIFIED INDIAN TRIBE.—If the Secretary de-  
10                  termines that a parcel of land may be parti-  
11                  tioned in a manner that is fair and equitable to  
12                  the owners of the parcel, and the Indian tribe  
13                  meets the applicable ownership requirements  
14                  under clause (i) or (ii) of paragraph (2)(B), the  
15                  Secretary shall—

16                   “(i) approve a plan of partition;

17                   “(ii) provide notice to the owners of  
18                   the parcel of the determination of the Sec-  
19                   retary;

20                   “(iii) make a copy of the plan of par-  
21                   tition available to each owner of the parcel;  
22                   and

23                   “(iv) inform each owner of the right  
24                   to appeal the determination of the Sec-



1           retary to partition the parcel in accordance  
2           with the plan.

3           “(E) PARTITION WITH CONSENT; IMPLIED  
4           CONSENT.—If the Secretary determines that a  
5           parcel may be partitioned in a manner that is  
6           fair and equitable to the owners of the parcel,  
7           but the Indian tribe involved does not meet the  
8           applicable ownership requirements under clause  
9           (i) or (ii) of paragraph (2)(B), the Secretary  
10          shall—

11               “(i)(I) make a plan of partition avail-  
12               able to the owners of the parcel; and

13               “(II) inform the owners that the par-  
14               cel will be partitioned in accordance with  
15               the plan if the owners of 50 percent or  
16               more of undivided ownership interest in  
17               the parcel either—

18                       “(aa) consent to the partition; or

19                       “(bb) do not object to the parti-  
20                       tion by such deadline as may be es-  
21                       tablished by the Secretary;

22               “(ii) if the owners of 50 percent or  
23               more of undivided ownership interest in  
24               the parcel consent to the partition or do  
25               not object by a deadline established by the

1 Secretary under clause (i)(II)(bb), inform  
2 the owners of the parcel that—

3 “(I) the plan for partition is  
4 final; and

5 “(II) the owners have the right  
6 to appeal the determination of the  
7 Secretary to partition the parcel; and

8 “(iii) if the owners of 50 percent or  
9 more of the undivided ownership interest  
10 in the parcel object to the partition, inform  
11 the Indian tribe of the objection.

12 “(F) SUCCESSIVE PARTITION PLANS.—In  
13 carrying out subparagraph (E) in accordance  
14 with paragraph (2)(B)(iii), the Secretary may,  
15 in accordance with subparagraph (E)—

16 “(i) approve 1 or more successive  
17 plans of partition; and

18 “(ii) make those plans available to the  
19 owners of the parcel.

20 “(G) PLAN OF PARTITION—A plan of par-  
21 tition approved by the Secretary in accordance  
22 with subparagraph (D) or (E)—

23 “(i) may determine that 1 or more of  
24 the undivided interests in a parcel are not  
25 susceptible to a partition in kind;

1 “(ii) may provide for the sale or ex-  
2 change of those undivided interests to—

3 “(I) 1 or more of the owners of  
4 undivided interests in the parcel; or

5 “(II) the Secretary in accordance  
6 with section 213; and

7 “(iii) shall provide that the sale of any  
8 undivided interest referred to in clause (ii)  
9 shall be for not less than the fair market  
10 value of the interest.

11 “(6) PARTITION BY SALE.—

12 “(A) IN GENERAL.—The Secretary shall  
13 commence the partition process described in  
14 subparagraph (B) if—

15 “(i) an eligible Indian tribe applies to  
16 partition a parcel of land under this sub-  
17 section; and

18 “(ii)(I) the Secretary determines that  
19 the Indian tribe meets the applicable own-  
20 ership requirements of clause (i) or (ii) of  
21 paragraph (2)(B); or

22 “(II) the Secretary determines that it  
23 is reasonable to believe that the partition  
24 would be in accordance with paragraph  
25 (2)(B)(iii).

1           “(B) PARTITION PROCESS.—In carrying  
2 out any partition of a parcel, the Secretary—

3           “(i) shall conduct a preliminary ap-  
4 praisal of the parcel;

5           “(ii) shall provide, to the owners of  
6 the parcel, through publication or other ap-  
7 propriate means—

8           “(I) notice of the application of  
9 the Indian tribe to partition the par-  
10 cel; and

11           “(II) access to the preliminary  
12 appraisal conducted in accordance  
13 with clause (i);

14           “(iii) shall inform each owner of the  
15 parcel of the right to submit to the Sec-  
16 retary comments relating to the prelimi-  
17 nary appraisal;

18           “(iv) may, based on comments re-  
19 ceived under clause (iii), modify the pre-  
20 liminary appraisal or provide for the con-  
21 duct of a new appraisal; and

22           “(v) shall—

23           “(I) issue a final appraisal for  
24 the parcel;

1                   “(II) provide to the owners of the  
2                   parcel and the appropriate Indian  
3                   tribes access to the final appraisal;  
4                   and

5                   “(III) inform the Indian tribes of  
6                   the right to appeal the final appraisal.

7                   “(C) PURCHASE BY QUALIFIED INDIAN  
8                   TRIBE.—If an eligible Indian tribe agrees to  
9                   pay fair market value for a partitioned parcel,  
10                  as determined by the final appraisal of the par-  
11                  cel issued under subparagraph (B)(v)(I)  
12                  (including any appraisal issued by the Secretary  
13                  after an appeal by the Indian tribe under sub-  
14                  paragraph (B)(v)(III)), and the Indian tribe  
15                  meets the applicable ownership requirements of  
16                  clause (i) or (ii) of paragraph (2)(B), the Sec-  
17                  retary shall—

18                  “(i) provide to each owner of the par-  
19                  cel notice of the decision of the Indian  
20                  tribe; and

21                  “(ii) inform the owners of the right to  
22                  appeal the decision (including the right to  
23                  appeal any final appraisal of the parcel re-  
24                  ferred to in subparagraph (B)(v)(III)).

1                   “(D) PARTITION WITH CONSENT; IMPLIED  
2                   CONSENT.—

3                   “(i) IN GENERAL.—If an eligible In-  
4                   dian tribe agrees to pay fair market value  
5                   for a partitioned parcel, as determined by  
6                   the final appraisal of the parcel issued  
7                   under subparagraph (B)(v)(I) (including  
8                   any appraisal issued by the Secretary after  
9                   an appeal by the Indian tribe under sub-  
10                  paragraph (B)(v)(III)), but does not meet  
11                  the applicable ownership requirements of  
12                  clause (i) or (ii) of paragraph (2)(B), the  
13                  Secretary shall—

14                  “(I) provide notice to the owners  
15                  of the undivided interest in the parcel;  
16                  and

17                  “(II) inform the owners that the  
18                  parcel will be partitioned by sale un-  
19                  less the partition is opposed by the  
20                  owners of 50 percent or more of the  
21                  undivided ownership interest in the  
22                  parcel.

23                  “(ii) FAILURE TO OBJECT TO PARTI-  
24                  TION.—If the owners of 50 percent or  
25                  more of undivided ownership interest in or

1 to a parcel consent to the partition or the  
2 parcel, or do not object to the partition by  
3 such deadline as may be established by the  
4 Secretary, the Secretary shall inform the  
5 owners of the parcel of the right to appeal  
6 the determination of the Secretary  
7 (including the results of the final appraisal  
8 issued under subparagraph (B)(v)(I)).

9 “(iii) OBJECTION TO PARTITION.—If  
10 the owners of 50 percent or more of the  
11 undivided ownership interest in a parcel  
12 object to the partition of the parcel—

13 “(I) the Secretary shall notify the  
14 Indian tribe of the objection; and

15 “(II) the Indian tribe and the  
16 Secretary may agree to increase the  
17 amount offered to purchase the undi-  
18 vided ownership interests in the par-  
19 cel.

20 “(7) ENFORCEMENT.—

21 “(A) IN GENERAL.—If, with respect to a  
22 parcel, a partition in kind is approved under  
23 subparagraph (D) or (E) of paragraph (5), or  
24 a partition by sale is approved under paragraph  
25 (6)(C), and the owner of an interest in or to the

1 parcel fails or refuses to convey the interest to  
2 the Indian tribe, the Indian tribe or the United  
3 States may—

4 “(i) bring a civil action in the United  
5 States district court for the district in  
6 which the parcel is located; and

7 “(ii) request the court to issue an ap-  
8 propriate order for the partition in kind, or  
9 partition by sale to the Indian tribe, of the  
10 parcel.

11 “(B) FEDERAL ROLE.—With respect to  
12 any civil action brought under subparagraph  
13 (A)—

14 “(i) the United States—

15 “(I) shall receive notice of the  
16 civil action; and

17 “(II) may be a party to the civil  
18 action; and

19 “(ii) no civil action brought under this  
20 section shall be dismissed, and no relief re-  
21 quested shall be denied, on the ground that  
22 the civil action is against the United States  
23 or that the United States is an indispen-  
24 sable party.”.



1 **SEC. 9212. OTHER AMENDMENTS.**

2 (a) OTHER AMENDMENTS.—The Indian Land Con-  
3 solidation Act (25 U.S.C. 2201 et seq.) is amended—

4 (1) in section 205(a) (25 U.S.C. 2204(a)), by  
5 striking “over 50 per centum of the undivided inter-  
6 ests” and inserting “undivided interests equal to at  
7 least 50 percent of the undivided interest”;

8 (2) in section 206 (25 U.S.C. 2205)—

9 (A) in subsection (a), by striking para-  
10 graph (3) and inserting the following:

11 “(3) TRIBAL PROBATE CODES.—Except as pro-  
12 vided in any applicable Federal law, the Secretary  
13 shall not approve a tribal probate code, or an  
14 amendment to such a code, that prevents the devise  
15 of an interest in trust or restricted land to—

16 “(A) an Indian lineal descendant of the  
17 original allottee; or

18 “(B) to an Indian who is not a member of  
19 the tribe that exercises jurisdiction over such an  
20 interest unless the code provides for the re-  
21 nouncing of interests (to eligible devisees pursu-  
22 ant to such a code), the opportunity for a devi-  
23 see who is the testator’s spouse or lineal de-  
24 scendant to reserve a life estate, and payment  
25 of fair market value in the manner prescribed  
26 under subsection (c)(2).”;

1 (B) in subsection (c)(1)—

2 (i) by striking “section 207(a)(6)(A)”  
 3 and inserting “sections 207(a)(2)(A)(ii),  
 4 207(a)(2)(C), and 207(a)(3)”; and

5 (ii) by striking the last sentence and  
 6 inserting “The Secretary shall transfer  
 7 such payments to any person or persons  
 8 who would have received an interest in  
 9 land if the interest had not been acquired  
 10 by the tribe pursuant to this paragraph.”;  
 11 and

12 (C) in subsection (c)(2)—

13 (i) in subparagraph (A)—

14 (I) by striking “(A) IN GEN-  
 15 ERAL.—Paragraph” and inserting the  
 16 following:

17 “(A) NONAPPLICABILITY TO CERTAIN IN-  
 18 TERESTS.—

19 “(i) IN GENERAL.—Paragraph”;

20 (II) by striking “if, while” and  
 21 inserting the following: “if—

22 “(I) while”;

23 (III) by striking the period and  
 24 inserting “; or”; and

1 (IV) by adding at the end the fol-  
2 lowing:

3 “(II) the interest is part of a  
4 family farm that is devised to a mem-  
5 ber of the decedent’s family if the dev-  
6 isee agrees that the Indian tribe that  
7 exercises jurisdiction over the land  
8 will have the opportunity to acquire  
9 the interest for fair market value if  
10 the interest is offered for sale to an  
11 entity that is not a member of the  
12 family of the owner of the land.

13 “(ii) RECORDING OF INTEREST.—  
14 Upon the request of an Indian tribe de-  
15 scribed in clause (i)(II), a restriction relat-  
16 ing to the acquisition by such tribe of an  
17 interest in the family farm involved shall  
18 be recorded as part of the deed relating to  
19 the interest involved.

20 “(iii) RULE OF CONSTRUCTION.—  
21 Nothing in clause (i)(II) shall be construed  
22 to prevent or limit the ability of an owner  
23 of land to which that clause applies to  
24 mortgage the land or to limit the right of  
25 the entity holding such a mortgage to fore-

close or otherwise enforce such a mortgage agreement pursuant to applicable law.

“(iv) DEFINITION.—In this paragraph, the term ‘member of the decedent’s family’ means the decedent’s lineal descendant, a lineal descendant of the grandparent of the decedent, the spouse of any such descendant, or the decedent’s spouse.”; and

(ii) in subparagraph (B), by striking “subparagraph (A)” and all that follows through “207(a)(6)(B)” and inserting “paragraph (1)”;

(3) in section 207 (25 U.S.C. 2206)—

(A) in subsection (c)—

(i) by redesignating paragraph (3) as paragraph (4); and

(ii) by inserting after paragraph (2) the following:

“(3) ALIENATION OF JOINT TENANCY INTERESTS.—

“(A) IN GENERAL.—With respect to any interest held as a joint tenancy pursuant to this subsection—

1 “(i) nothing in this subsection shall be  
 2 construed to alter the ability of the owner  
 3 of such an interest to convey a life estate  
 4 in the owner’s undivided joint tenancy in-  
 5 terest; and

6 “(ii) only the last remaining owner of  
 7 such an interest may devise or convey  
 8 more than a life estate in such an interest.

9 “(B) APPLICATION OF PROVISION.—This  
 10 paragraph shall not apply to any conveyance,  
 11 sale, or transfer that is part of an agreement  
 12 referred to in subsection (e) or to a co-owner of  
 13 a joint tenancy interest.”; and

14 (B) in subsection (g)(5), by striking “this  
 15 section” and inserting “subsections (a) and  
 16 (b)”;

17 (4) in section 213 (25 U.S.C. 2212)—

18 (A) in subsection (a)(2), by striking “(A)  
 19 IN GENERAL.—” and all that follows through  
 20 “subparagraph (A), the Secretary” and insert-  
 21 ing “The Secretary”;

22 (B) in subsection (b)(4), by inserting be-  
 23 fore the period the following: “through the use  
 24 of policies and procedures designed to accom-  
 25 modate the voluntary sale of interests under the

1 pilot program (established by this Act) though  
2 the elimination of duplicate conveyance docu-  
3 ments, administrative proceedings, and trans-  
4 actions, notwithstanding the existence of any  
5 otherwise applicable policy, procedure, or regu-  
6 lation”; and

7 (C) in subsection (c)—

8 (i) in paragraph (1)(A), by striking  
9 “landowner upon payment” and all that  
10 follows through the period and inserting  
11 the following: “landowner—

12 “(i) upon payment by the Indian land-  
13 owner of the amount paid for the interest  
14 by the Secretary; or

15 “(ii) if the Indian referred to in this  
16 subparagraph provides assurance that the  
17 purchase price will be paid by pledging rev-  
18 enue from any source, including trust re-  
19 sources, and the Secretary determines that  
20 the purchase price will be paid in a timely  
21 and efficient manner.”;

22 (ii) in paragraph (1)(B), by inserting  
23 “unless the interest is subject to a fore-  
24 closure of a mortgage pursuant to the Act

1 of March 29, 1956 (25 U.S.C. 483a)” be-  
 2 fore the period; and

3 (iii) in paragraph (3), by striking “10  
 4 percent of more of the undivided interests”  
 5 and inserting “an undivided interest”;

6 (5) in section 214 (25 U.S.C. 2213), by striking  
 7 subsection (b) and inserting the following:

8 “(b) APPLICATION OF REVENUE FROM ACQUIRED  
 9 INTERESTS TO LAND CONSOLIDATION PILOT PRO-  
 10 GRAM.—

11 “(1) IN GENERAL.—The Secretary shall have a  
 12 lien on any revenue accruing to an interest described  
 13 under subsection (a) until the Secretary provides for  
 14 the removal of the lien under paragraph (3) or (4).

15 “(2) REQUIREMENTS.—Until Secretary removes  
 16 the lien from an interest of land as provided for in  
 17 paragraph (1)—

18 “(A) any lease, resource sale contract,  
 19 right-of-way, or other document evidencing a  
 20 transaction affecting the interest shall contain a  
 21 clause providing that all revenue derived from  
 22 the interest shall be paid to the Secretary;

23 “(B) any revenue derived from any interest  
 24 acquired by the Secretary pursuant to section

1           213 shall be paid into the fund created under  
2           section 216; and

3           “(C) the Secretary may approve a trans-  
4           action covered under this section on behalf of a  
5           tribe notwithstanding any other provision of  
6           law, including section 16 of the Act of June 18,  
7           1934 (commonly known as the ‘Indian Reorga-  
8           nization Act’) (25 U.S.C. 476).

9           “(3) FINDINGS BY SECRETARY.—The Secretary  
10          may remove a lien referred to in (1) if the Secretary  
11          makes a finding that—

12               “(A) the costs of administering the interest  
13               will equal or exceed the projected revenues for  
14               the parcel of land involved;

15               “(B) in the discretion of the Secretary, it  
16               will take an unreasonable period of time for the  
17               parcel of land to generate revenue that equals  
18               the purchase price paid for the interest; or

19               “(C) a subsequent decrease in the value of  
20               land or commodities associated with the parcel  
21               of land make it likely that the interest will be  
22               unable to generate revenue that equals the pur-  
23               chase price paid for the interest in a reasonable  
24               time.



1           “(4) REMOVAL OF LIEN.—Pursuant to the con-  
 2           sultations referred to in section 213(b)(3), the Sec-  
 3           retary shall periodically remove the lien referred to  
 4           in paragraph (1) from interests in land acquired by  
 5           the Secretary.”;

6           (6) in section 216 (25 U.S.C. 2215)—

7                   (A) in subsection (a), by striking para-  
 8                   graph (2) and inserting the following:

9                   “(2) collect all revenues received from the lease,  
 10                  permit, or sale of resources from interests acquired  
 11                  under section 213 or paid by Indian landowners  
 12                  under section 213.”; and

13                  (B) in subsection (b)—

14                   (i) in paragraph (1)—

15                           (I) in the matter preceding sub-  
 16                           paragraph (A), by striking “Subject  
 17                           to paragraph (2), all” and inserting  
 18                           “All”;

19                           (II) in subparagraph (A), by  
 20                           striking “and” at the end;

21                           (III) in subparagraph (B), by  
 22                           striking the period and inserting “;  
 23                           and”; and

24                           (IV) by adding at the end the fol-  
 25                           lowing:

1           “(C) be used to acquire undivided interests  
2           on the reservation where the income was de-  
3           rived.”; and

4                   (ii) by striking paragraph (2) and in-  
5           serting the following:

6           “(2) USE OF FUNDS.—The Secretary may uti-  
7           lize the revenue deposited in the Acquisition Fund  
8           under paragraph (1) to acquire some or all of the  
9           undivided interests in any parcels of land pursuant  
10          to section 205.”;

11           (7) in section 217 (25 U.S.C. 2216)—

12                   (A) in subsection (e)(3), by striking  
13           “prospective applicants for the leasing, use, or  
14           consolidation of” and insert “any person that is  
15           leasing, using or consolidating, or is applying  
16           to, lease, use, or consolidate,”; and

17                   (B) by striking subsection (f) and inserting  
18           the following:

19           “(f) PURCHASE OF LAND BY TRIBE.—

20                   “(1) IN GENERAL.—Before the Secretary ap-  
21           proves an application to terminate the trust status  
22           or remove the restrictions on alienation from a par-  
23           cel of trust or restricted land, the Indian tribe that  
24           exercises jurisdiction over such a parcel shall have  
25           the opportunity to match any offer contained in such

1 application, or where there is no purchase price of-  
 2 fered, to acquire the interest in such land by paying  
 3 the fair market value of such interest.

4 “(2) EXCEPTION FOR FAMILY FARMS.—Para-  
 5 graph (1) shall not apply to a parcel of trust or re-  
 6 stricted land that is part of a family farm that is  
 7 conveyed to a member of the landowner’s family (as  
 8 defined in section 206(c)(2)(A)(iv)) if the tribe that  
 9 exercises jurisdiction over the land is afforded the  
 10 opportunity to purchase the interest if the interest  
 11 is offered for sale to an entity that is not a member  
 12 of the family of the owner of the land. Section  
 13 206(c)(2)(A) shall apply with respect to the record-  
 14 ing and mortgaging of the trust or restricted land  
 15 referred to in the preceding sentence.”; and

16 (8) in section 219(b)(1)(A) (25 U.S.C.  
 17 2219(b)(1)(A)), by striking “100” and inserting  
 18 “90”.

19 (b) DEFINITION.—

20 (1) IN GENERAL.—Section 202(2) of the Indian  
 21 Land Consolidation Act (25 U.S.C. 2201(2)) is  
 22 amended—

23 (A) by striking “means any” and inserting  
 24 the following: “means—

25 “(A) any”;

1 (B) by striking “or any person who has  
2 been found to meet” and inserting the fol-  
3 lowing:

4 “(B) any person who meets”; and

5 (C) by striking “if the Secretary” and all  
6 that follows through the semicolon and insert-  
7 ing “, except that the Secretary may promul-  
8 gate regulations to exclude any definition  
9 (except for definitions in laws that are related  
10 to land such as agriculture, grazing, housing,  
11 Indian schools, economic development, cultural  
12 resources, natural resources, and other laws  
13 providing for programs with benefits intended  
14 to run to Indian landowners and any future  
15 land-related programs) if the Secretary deter-  
16 mines that the definition is not consistent with  
17 the purposes of this Act, or

18 “(C) with respect to the ownership, devise,  
19 or descent of trust or restricted land in the  
20 State of California, any person who meets the  
21 definition of Indians of California as contained  
22 in section 1 of the Act of May 18, 1928 (25  
23 U.S.C. 651), until otherwise provided by Con-  
24 gress pursuant to section 809(b) of Public Law  
25 94-437 (25 U.S.C. 1679(b));”.

1           (2) EFFECTIVE DATE.—Any exclusion referred  
2       to in the amendment made by paragraph (1)(C)  
3       shall apply only to those decedents who die after the  
4       Secretary of the Interior promulgates the regulation  
5       providing for such exclusion.

6       (c) MORTGAGES AND DEEDS OF TRUST.—The Act  
7       of March 29, 1956 (25 U.S.C. 483a) is amended in the  
8       first sentence of subsection (a) by inserting “(including  
9       land owned by any person in passive trust status pursuant  
10      to section 207A of the Indian Land Consolidation Act)”  
11     after “land” the first place that such appears.

12      (d) ISSUANCE OF PATENTS.—Section 5 of the Act of  
13      February 8, 1887 (25 U.S.C. 348) is amended by striking  
14      the second proviso and inserting the following: “*Provided,*  
15      That the rules of intestate succession under the Indian  
16      Land Consolidation Act (25 U.S.C. 2201 et seq.) (includ-  
17      ing a tribal probate code approved under that Act or regu-  
18      lations promulgated under that Act) shall apply thereto  
19      after those patents have been executed and delivered.”.

20      (e) TRANSFERS OF RESTRICTED INDIAN LAND.—  
21      Section 4 of the Act of June 18, 1934 (25 U.S.C. 464),  
22      is amended in the first proviso by striking “, in accordance  
23      with” and all that follows through the colon and inserting  
24      “in accordance with the Indian Land Consolidation Act  
25      (25 U.S.C. 2201 et seq.) (including a tribal probate code

1 approved under that Act or regulations promulgated under  
2 that Act):”.

3 **SEC. 9213. EFFECTIVE DATE.**

4 The amendments made by this subtitle shall not  
5 apply to the estate of an individual who dies prior to the  
6 later of—

7 (1) the date that is 1 year after the date of en-  
8 actment of this Act; or

9 (2) the date specified in section 207(g)(5) of  
10 the Indian Land Consolidation Act (25 U.S.C.  
11 2206(g)(5)).

12 **CHAPTER 2—INHERITANCE OF CERTAIN**  
13 **TRUST OR RESTRICTED LANDS**

14 **SEC. 9221. INHERITANCE OF CERTAIN TRUST OR RE-**  
15 **STRICTED LANDS.**

16 Section 5 of Public Law 98–513 (98 Stat. 2411) is  
17 amended to read as follows:

18 “SEC. 5. (a) Notwithstanding any other provision of  
19 this Act—

20 “(1) subject to paragraph (2), the owner of an  
21 interest in trust or restricted land within the res-  
22 ervation may not devise an interest (including a life  
23 estate under section 4) in such land that is less than  
24 two and one half acres (or the equivalent thereof) to  
25 more than one tribal member;

1           “(2) the owner of an interest in trust or re-  
2           stricted land within the reservation may devise an  
3           interest (including a life estate under section 4) in  
4           such land that is less than two and one half acres  
5           (or the equivalent thereof) to more than one tribal  
6           member if each additional tribal member already  
7           holds an interest to such land; and

8           “(3) any interest in trust or restricted land  
9           within the reservation that is less than two and one  
10          half acres (or the equivalent thereof) that—

11               “(A) would otherwise pass by intestate  
12               succession (including a life estate in such land  
13               under section 4); or

14               “(B) is devised to more than one tribal  
15               member that is not described in paragraph (2);  
16           shall escheat to the tribe, to be held in the name of  
17           the United States in trust for the tribe.

18          “(b) Not later than 180 days after the date of enact-  
19          ment of the Indian Probate Reform Act of 2002, the Sec-  
20          retary shall provide notice to owners of trust or restricted  
21          lands within the Lake Traverse Reservation of the enact-  
22          ment of this section by direct mail, publication in the Fed-  
23          eral Register, or through local newspapers. After providing  
24          such notice, the Secretary shall certify that the require-

1 ments of this subsection have been met and shall publish  
 2 notice of such certification in the Federal Register.

3 “(c) The provisions of this section shall not be en-  
 4 forceable with respect to the estate of any person who dies  
 5 prior to the day that is 365 days after the Secretary makes  
 6 the required certification under subsection (b).”.

## 7 **Subtitle C—Settlement of Certain** 8 **Foreign Claims**

### 9 **SEC. 9301. SETTLEMENT OF CERTAIN CLAIMS.**

10 (a) AUTHORIZATION FOR PAYMENT.—Subject to sub-  
 11 section (b), the Secretary of the Treasury shall pay to the  
 12 Pottawatomi Nation in Canada, notwithstanding any  
 13 other provision of law, \$1,830,000 from amounts appro-  
 14 priated under section 1304 of title 31, United States Code.

15 (b) PAYMENT IN ACCORDANCE WITH STIPULATION  
 16 FOR RECOMMENDATION OF SETTLEMENT.—The payment  
 17 appropriated under subsection (a) shall be made in accord-  
 18 ance with the terms and conditions of the Stipulation for  
 19 Recommendation of Settlement dated May 22, 2000, en-  
 20 tered into between the Pottawatomi Nation in Canada and  
 21 the United States (in this subtitle referred to as the “Stip-  
 22 ulation for Recommendation of Settlement”) and included  
 23 in the report of the Chief Judge of the United States  
 24 Court of Federal Claims regarding Congressional Ref-  
 25 erence No. 94–1037X submitted to the Senate on January



1 4, 2001, pursuant to the provisions of sections 1492 and  
2 2509 of title 28, United States Code.

3 (c) FULL SATISFACTION OF CLAIMS.—The payment  
4 made under subsection (a) shall be in full satisfaction of  
5 all claims of the Pottawatomi Nation in Canada against  
6 the United States referred to or described in the Stipula-  
7 tion for Recommendation of Settlement.

8 (d) NONAPPLICABILITY.—Notwithstanding any other  
9 provision of law, the Indian Tribal Judgment Funds Use  
10 or Distribution Act (25 U.S.C. 1401 et seq.) shall not  
11 apply to the payment appropriated under subsection (a).

## 12 **Subtitle D—Certification of Rental** 13 **Proceeds**

### 14 **SEC. 9401. CERTIFICATION OF RENTAL PROCEEDS.**

15 Notwithstanding any other provision of law, any ac-  
16 tual rental proceeds from the lease of land acquired under  
17 section 1 of Public Law 91–229 (25 U.S.C. 488) certified  
18 by the Secretary of the Interior shall be deemed—

19 (1) to constitute the rental value of that land;

20 and

21 (2) to satisfy the requirement for appraisal of  
22 that land.

1       **Subtitle E—Tribal Sovereignty**

2       **SEC. 9501. TRIBAL SOVEREIGNTY.**

3       Section 16 of the Act of June 18, 1934 (25 U.S.C.  
4       476), is amended by adding at the end the following:

5       “(h) TRIBAL SOVEREIGNTY.—Notwithstanding any  
6       other provision of this Act—

7               “(1) each Indian tribe shall retain inherent sov-  
8       ereign power to adopt governing documents under  
9       procedures other than those specified in this section;  
10      and

11              “(2) nothing in this Act invalidates any con-  
12      stitution or other governing document adopted by an  
13      Indian tribe after June 18, 1934, in accordance with  
14      the authority described in paragraph (1).”.

Passed the Senate November 20, 2002.

Attest:

JERI THOMSON,

*Secretary.*