

108TH CONGRESS  
1ST SESSION

# S. 523

---

## AN ACT

To make technical corrections to laws relating to Native Americans, and for other purposes.

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 Technical Corrections Act of 2003”.

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

- Sec. 1. Short title; table of contents.  
 Sec. 2. Definition of Secretary.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS  
 RELATING TO NATIVE AMERICANS

Subtitle A—Technical Amendments

- Sec. 101. Bosque Redondo Memorial Act.  
 Sec. 102. Navajo-Hopi Land Settlement Act.  
 Sec. 103. Tribal sovereignty.  
 Sec. 104. Cow Creek Band of Umpqua Indians.  
 Sec. 105. Pueblo de Cochiti; modification of settlement.  
 Sec. 106. Four Corners Interpretive Center.  
 Sec. 107. Mississippi Band of Choctaw Indians.  
 Sec. 108. Rehabilitation of Celilo Indian Village.

Subtitle B—Other Provisions Relating to Native Americans

- Sec. 121. Barona Band of Mission Indians; facilitation of construction of pipe-  
 line to provide water for emergency fire suppression and other  
 purposes.  
 Sec. 122. Conveyance of Native Alaskan objects.  
 Sec. 123. Pueblo of Acoma; land and mineral consolidation.  
 Sec. 124. Quinault Indian Nation; water feasibility study.  
 Sec. 125. Santee Sioux Tribe; study and report.  
 Sec. 126. Shakopee Mdewakanton Sioux Community.  
 Sec. 127. Agua Caliente Band of Cahuilla Indians.  
 Sec. 128. Saginaw Chippewa Tribal College.  
 Sec. 129. Ute Indian Tribe; oil shale reserve.

TITLE II—PUEBLO OF SANTA CLARA AND PUEBLO OF SAN  
 ILDEFONSO

- Sec. 201. Definitions.  
 Sec. 202. Trust for the Pueblo of Santa Clara, New Mexico.  
 Sec. 203. Trust for the Pueblo of San Ildefonso, New Mexico.  
 Sec. 204. Survey and legal descriptions.  
 Sec. 205. Administration of trust land.  
 Sec. 206. Effect.  
 Sec. 207. Gaming.

TITLE III—DISTRIBUTION OF QUINAULT PERMANENT FISHERIES  
 FUNDS

- Sec. 301. Distribution of judgment funds.  
 Sec. 302. Conditions for distribution.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, except as otherwise provided in this Act,  
3 the term “Secretary” means the Secretary of the Interior.

4 **TITLE I—TECHNICAL AMEND-**  
5 **MENTS AND OTHER PROVI-**  
6 **SIONS RELATING TO NATIVE**  
7 **AMERICANS**

8 **Subtitle A—Technical Amendments**

9 **SEC. 101. 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) in subsection (a)—

13 (A) in paragraph (1), by striking “2000”  
14 and inserting “2004”; and

15 (B) in paragraph (2), by striking “2001  
16 and 2002” and inserting “2005 and 2006”;  
17 and

18 (2) in subsection (b), by striking “2002” and  
19 inserting “2007,”.

20 **SEC. 102. NAVAJO-HOPI LAND SETTLEMENT ACT.**

21 Section 25(a)(8) of Public Law 93–531 (commonly  
22 known as the “Navajo-Hopi Land Settlement Act of  
23 1974”) (25 U.S.C. 640d–24(a)(8)) is amended by striking  
24 “annually for fiscal years 1995, 1996, 1997, 1998, 1999,  
25 and 2000” and inserting “for each of fiscal years 2003  
26 through 2008”.

1 **SEC. 103. TRIBAL SOVEREIGNTY.**

2 Section 16 of the Act of June 18, 1934 (25 U.S.C.  
3 476), is amended by adding at the end the following:

4 “(h) TRIBAL SOVEREIGNTY.—Notwithstanding any  
5 other provision of this Act—

6 “(1) each Indian tribe shall retain inherent sov-  
7 ereign power to adopt governing documents under  
8 procedures other than those specified in this section;  
9 and

10 “(2) nothing in this Act invalidates any con-  
11 stitution or other governing document adopted by an  
12 Indian tribe after June 18, 1934, in accordance with  
13 the authority described in paragraph (1).”.

14 **SEC. 104. COW CREEK BAND OF UMPQUA INDIANS.**

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

21 **SEC. 105. PUEBLO DE COCHITI; MODIFICATION OF SETTLE-  
22 MENT.**

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

25 (1) by striking “implement the settlement” and  
26 inserting the following: “implement—

1 “(1) the settlement;”;

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

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

5 “(2) the modifications regarding the use of the  
6 settlement funds as described in the agreement  
7 known as the ‘First Amendment to Operation and  
8 Maintenance Agreement for Implementation of  
9 Cochiti Wetlands Solution’, executed—

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

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

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

16 **SEC. 106. FOUR CORNERS INTERPRETIVE CENTER.**

17 Section 7 of the Four Corners Interpretive Center  
18 Act (113 Stat. 1706) is amended—

19 (1) in subsection (a)(2), by striking “2005” and  
20 inserting “2008”;

21 (2) in subsection (b), by striking “2002” and  
22 inserting “2005”; and

23 (3) in subsection (c), by striking “2001” and  
24 inserting “2004”.

1 **SEC. 107. MISSISSIPPI BAND OF CHOCTAW INDIANS.**

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

14 **SEC. 108. REHABILITATION OF CELILO INDIAN VILLAGE.**

15 Section 401(b)(3) of Public Law 100–581 (102 Stat.  
16 2944) is amended by inserting “and Celilo Village” after  
17 “existing sites”.

18 **Subtitle B—Other Provisions**  
19 **Relating to Native Americans**

20 **SEC. 121. BARONA BAND OF MISSION INDIANS; FACILITA-**  
21 **TION OF CONSTRUCTION OF PIPELINE TO**  
22 **PROVIDE WATER FOR EMERGENCY FIRE SUP-**  
23 **PPRESSION AND OTHER PURPOSES.**

24 (a) IN GENERAL.—Notwithstanding any other provi-  
25 sion of law, subject to valid existing rights under Federal  
26 and State law, and to any easements or similar restrictions

1 which may be granted to the city of San Diego, California,  
 2 for the construction, operation and maintenance of a pipe-  
 3 line and related appurtenances and facilities for conveying  
 4 water from the San Vicente Reservoir to the Barona In-  
 5 dian Reservation, or for conservation, wildlife or habitat  
 6 protection, or related purposes, the land described in sub-  
 7 section (b), fee title to which is held by the Barona Band  
 8 of Mission Indians of California (referred to in this section  
 9 as the “Band”)—

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

12 (2) shall be considered to be a portion of the  
 13 reservation of the Band.

14 (b) LAND.—The land referred to in subsection (a) is  
 15 land comprising approximately 85 acres in San Diego  
 16 County, California, and described more particularly as fol-  
 17 lows: San Bernardino Base and Meridian; T. 14 S., R.  
 18 1 E.; sec. 21: W<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub>, 68 acres; NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 17  
 19 acres.

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

1 **SEC. 122. CONVEYANCE OF NATIVE ALASKAN OBJECTS.**

2 Notwithstanding any provision of law affecting the  
 3 disposal of Federal property, on the request of the Chu-  
 4 gach Alaska Corporation or Sealaska Corporation, the  
 5 Secretary of Agriculture shall convey to whichever of those  
 6 corporations that has received title to a cemetery site or  
 7 historical place on National Forest System land conveyed  
 8 under section 14(h)(1) of the Alaska Native Claims Settle-  
 9 ment Act (43 U.S.C. 1613(h)(1)) all artifacts, physical re-  
 10 mains, and copies of any available field records that—

11 (1)(A) are in the possession of the Secretary of  
 12 Agriculture; and

13 (B) have been collected from the cemetery site  
 14 or historical place; but

15 (2) are not required to be conveyed in accord-  
 16 ance with the Native American Graves Protection  
 17 and Repatriation Act (25 U.S.C. 3001 et seq.) or  
 18 any other applicable law.

19 **SEC. 123. PUEBLO OF ACOMA; LAND AND MINERAL CON-**  
 20 **SOLIDATION.**

21 (a) DEFINITION OF BIDDING OR ROYALTY CRED-  
 22 IT.—The term “bidding or royalty credit” means a legal  
 23 instrument or other written documentation, or an entry  
 24 in an account managed by the Secretary, that may be used  
 25 in lieu of any other monetary payment for—



1           (1) a bonus bid for a lease sale on the outer  
2 Continental Shelf; or

3           (2) a royalty due on oil or gas production;  
4 for any lease located on the outer Continental Shelf  
5 outside the zone defined and governed by section  
6 8(g)(2) of the Outer Continental Shelf Lands Act  
7 (43 U.S.C. 1337(g)(2)).

8           (b) **AUTHORITY.**—Notwithstanding any other provi-  
9 sion of law, the Secretary may acquire any nontribal inter-  
10 est in or to land (including an interest in mineral or other  
11 surface or subsurface rights) within the boundaries of the  
12 Acoma Indian Reservation for the purpose of carrying out  
13 Public Law 107–138 (116 Stat. 6) by issuing bidding or  
14 royalty credits under this section in an amount equal to  
15 the value of the interest acquired by the Secretary, as de-  
16 termined under section 1(a) of Public Law 107–138 (116  
17 Stat. 6).

18           (c) **USE OF BIDDING AND ROYALTY CREDITS.**—On  
19 issuance by the Secretary of a bidding or royalty credit  
20 under subsection (b), the bidding or royalty credit—

21           (1) may be freely transferred to any other per-  
22 son (except that, before any such transfer, the trans-  
23 feror shall notify the Secretary of the transfer by  
24 such method as the Secretary may specify); and



1 **SEC. 125. SANTEE SIOUX TRIBE; STUDY AND REPORT.**

2 (a) **STUDY.**—Pursuant to reclamation laws, the Sec-  
3 retary, acting through the Bureau of Reclamation and in  
4 consultation with the Santee Sioux Tribe of Nebraska (re-  
5 ferred to in this subtitle as the “Tribe”), shall conduct  
6 a feasibility study to determine the most feasible method  
7 of developing a safe and adequate municipal, rural, and  
8 industrial water treatment and distribution system for the  
9 Santee Sioux Tribe of Nebraska that could serve the tribal  
10 community and adjacent communities and incorporate  
11 population growth and economic development activities for  
12 a period of 40 years.

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

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

22 (d) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
23 authorized to be appropriated to the Secretary to carry  
24 out this section \$500,000, to remain available until ex-  
25 pended.

1 **SEC. 126. SHAKOPEE MDEWAKANTON SIOUX COMMUNITY.**

2 (a) IN GENERAL.—Notwithstanding any other provi-  
3 sion of law, without further authorization by the United  
4 States, the Shakopee Mdewakanton Sioux Community in  
5 the State of Minnesota (referred to in this section as the  
6 “Community”) may lease, sell, convey, warrant, or other-  
7 wise transfer all or any part of the interest of the Commu-  
8 nity in or to any real property that is not held in trust  
9 by the United States for the benefit of the Community.

10 (b) NO EFFECT ON TRUST LAND.—Nothing in this  
11 section—

12 (1) authorizes the Community to lease, sell,  
13 convey, warrant, or otherwise transfer all or part of  
14 an interest in any real property that is held in trust  
15 by the United States for the benefit of the Commu-  
16 nity; or

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

20 **SEC. 127. AGUA CALIENTE BAND OF CAHUILLA INDIANS.**

21 (a) IN GENERAL.—Notwithstanding any other provi-  
22 sion of law (including any restrictive covenant in effect  
23 under, or required by operation of, a State law), title to  
24 land that the Secretary of the Interior agrees is to be ac-  
25 quired by the United States in accordance with the Act  
26 of June 18, 1934 (25 U.S.C. 465), for the Agua Caliente

1 Band of Cahuilla Indians shall be taken in the name of  
2 the United States.

3 (b) COVENANTS.—A restrictive covenant referred to  
4 in subsection (a) shall be unenforceable against the United  
5 States if the land to which the restrictive covenant is at-  
6 tached was held in trust by the United States for, or  
7 owned by, the Agua Caliente Band of Cahuilla Indians,  
8 or an individual member of the Band, before the date on  
9 which the restrictive covenant attached to the land.

10 **SEC. 128. SAGINAW CHIPPEWA TRIBAL COLLEGE.**

11 Section 532 of the Equity in Educational Land Grant  
12 Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–  
13 382) is amended—

14 (1) by redesignating paragraphs (22) through  
15 (31) as paragraphs (23) through (32), respectively;  
16 and

17 (2) by inserting after paragraph (21) the fol-  
18 lowing:

19 “(22) Saginaw Chippewa Tribal College.”.

20 **SEC. 129. UTE INDIAN TRIBE; OIL SHALE RESERVE.**

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

1           “(3) With respect to the land conveyed to the  
2 Tribe under subsection (b)—

3                   “(A) the land shall not be subject to any  
4 Federal restriction on alienation; and

5                   “(B) notwithstanding any provision to the  
6 contrary in the constitution, bylaws, or charter  
7 of the Tribe, the Act of May 11, 1938 (com-  
8 monly known as the ‘Indian Mineral Leasing  
9 Act of 1938’) (25 U.S.C. 396a et seq.), the In-  
10 dian Mineral Development Act of 1982 (25  
11 U.S.C. 2101 et seq.), section 2103 of the Re-  
12 vised Statutes (25 U.S.C. 81), or section 2116  
13 of the Revised Statutes (25 U.S.C. 177), or any  
14 other law, no purchase, grant, lease, or other  
15 conveyance of the land (or any interest in the  
16 land), and no exploration, development, or other  
17 agreement relating to the land that is author-  
18 ized by resolution by the governing body of the  
19 Tribe, shall require approval by the Secretary of  
20 the Interior or any other Federal official.”.

21 **TITLE II—PUEBLO OF SANTA**  
22 **CLARA AND PUEBLO OF SAN**  
23 **ILDEFONSO**

24 **SEC. 201. DEFINITIONS.**

25 In this title:

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

7           (2) BOUNDARY LINE.—The term “boundary  
8 line” means the boundary line established under sec-  
9 tion 204(a).

10          (3) GOVERNORS.—The term “Governors”  
11 means—

12                 (A) the Governor of the Pueblo of Santa  
13 Clara, New Mexico; and

14                 (B) the Governor of the Pueblo of San  
15 Ildefonso, New Mexico.

16          (4) INDIAN TRIBE.—The term “Indian tribe”  
17 has the meaning given the term in section 4 of the  
18 Indian Self-Determination and Education Assistance  
19 Act (25 U.S.C. 450b).

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

21                 (A) the Pueblo of Santa Clara, New Mex-  
22 ico; and

23                 (B) the Pueblo of San Ildefonso, New Mex-  
24 ico.





1           (4) T. 20 N., R. 7 E., sec. 25, excluding the 5-  
2           acre tract in the southeast quarter owned by the  
3           Pueblo of San Ildefonso;

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

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

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

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

17 **SEC. 203. TRUST FOR THE PUEBLO OF SAN ILDEFONSO,**  
18 **NEW MEXICO.**

19          (a) IN GENERAL.—All right, title, and interest of the  
20 United States in and to the land described in subsection  
21 (b), including improvements on, appurtenances to, and  
22 mineral rights (including rights to oil and gas) to the land,  
23 shall be held by the United States in trust for the Pueblo  
24 of San Ildefonso, New Mexico.

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

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

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

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

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

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

20 **SEC. 204. SURVEY AND LEGAL DESCRIPTIONS.**

21 (a) SURVEY.—Not later than 180 days after the date  
 22 of enactment of this Act, the Office of Cadastral Survey  
 23 of the Bureau of Land Management shall, in accordance  
 24 with the Agreement, complete a survey of the boundary  
 25 line established under the Agreement for the purpose of

1 establishing, in accordance with sections 3102(b) and  
2 3103(b), the boundaries of the trust land.

3 (b) LEGAL DESCRIPTIONS.—

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

7 (A) a legal description of the boundary  
8 line; and

9 (B) legal descriptions of the trust land.

10 (2) TECHNICAL CORRECTIONS.—Before the  
11 date on which the legal descriptions are published  
12 under paragraph (1)(B), the Secretary may correct  
13 any technical errors in the descriptions of the trust  
14 land provided in sections 3102(b) and 3103(b) to  
15 ensure that the descriptions are consistent with the  
16 terms of the Agreement.

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

21 **SEC. 205. ADMINISTRATION OF TRUST LAND.**

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

1           (1) the land held in trust under section 202(a)  
2 shall be declared to be a part of the Santa Clara In-  
3 dian Reservation; and

4           (2) the land held in trust under section 203(a)  
5 shall be declared to be a part of the San Ildefonso  
6 Indian Reservation.

7 (b) APPLICABLE LAW.—

8           (1) IN GENERAL.—The trust land shall be ad-  
9 ministered in accordance with any law (including  
10 regulations) or court order generally applicable to  
11 property held in trust by the United States for In-  
12 dian tribes.

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

17           (A) The trust land.

18           (B) Any land owned as of the date of en-  
19 actment of this Act or acquired after the date  
20 of enactment of this Act by the Pueblo of Santa  
21 Clara in the Santa Clara Pueblo Grant.

22           (C) Any land owned as of the date of en-  
23 actment of this Act or acquired after the date  
24 of enactment of this Act by the Pueblo of San  
25 Ildefonso in the San Ildefonso Pueblo Grant.

1 (c) USE OF TRUST LAND.—

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

5 (A) traditional and customary uses; or

6 (B) stewardship conservation for the ben-  
7 efit of the Pueblo for which the trust land is  
8 held in trust.

9 (2) CRITERIA.—The Secretary shall work with  
10 the Pueblos to develop appropriate criteria for using  
11 the trust land in a manner that preserves the trust  
12 land for traditional and customary uses or steward-  
13 ship conservation.

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

17 **SEC. 206. EFFECT.**

18 Nothing in this title—

19 (1) affects any valid right-of-way, lease, permit,  
20 mining claim, grazing permit, water right, or other  
21 right or interest of a person or entity (other than  
22 the United States) that is—

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

24 (B) in existence before the date of enact-  
25 ment of this Act;

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

4                   (A) based on Aboriginal or Indian title;  
 5           and

6                   (B) in existence before the date of enact-  
 7           ment of this Act;

8           (3) constitutes an express or implied reservation  
 9           of water or water right with respect to the trust  
 10          land; or

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

13 **SEC. 207. GAMING.**

14          Land taken into trust under this title shall neither  
 15          be considered to have been taken into trust for, nor be  
 16          used for, gaming (as that term is used in the Indian Gam-  
 17          ing Regulatory Act (25 U.S.C. 2701 et seq.)).

18 **TITLE III—DISTRIBUTION OF**  
 19 **QUINALT PERMANENT FISH-**  
 20 **ERIES FUNDS**

21 **SEC. 301. DISTRIBUTION OF JUDGMENT FUNDS.**

22          (a) FUNDS TO BE DEPOSITED INTO SEPARATE AC-  
 23          COUNTS.—

24                  (1) IN GENERAL.—Subject to section 302, not  
 25          later than 30 days after the date of enactment of

1 this Act, the funds appropriated on September 19,  
 2 1989, in satisfaction of an award granted to the  
 3 Quinault Indian Nation under Dockets 772–71,  
 4 773–71, 774–71, and 775–71 before the United  
 5 States Claims Court, less attorney fees and litigation  
 6 expenses, and including all interest accrued to the  
 7 date of disbursement, shall be distributed by the  
 8 Secretary and deposited into 3 separate accounts to  
 9 be established and maintained by the Quinault In-  
 10 dian Nation (referred to in this title as the “Tribe”)  
 11 in accordance with this subsection.

12 (2) ACCOUNT FOR PRINCIPAL AMOUNT.—

13 (A) IN GENERAL.—The Tribe shall—

14 (i) establish an account for the prin-  
 15 cipal amount of the judgment funds; and

16 (ii) use those funds to establish a Per-  
 17 manent Fisheries Fund.

18 (B) USE AND INVESTMENT.—The prin-  
 19 cipal amount described in subparagraph

20 (A)(i)—

21 (i) except as provided in subparagraph  
 22 (A)(ii), shall not be expended by the Tribe;

23 and

1                   (ii) shall be invested by the Tribe in  
2                   accordance with the investment policy of  
3                   the Tribe.

4           (3) ACCOUNT FOR INVESTMENT INCOME.—

5                   (A) IN GENERAL.—The Tribe shall estab-  
6                   lish an account for, and deposit in the account,  
7                   all investment income earned on amounts in the  
8                   Permanent Fisheries Fund established under  
9                   paragraph (2)(A)(ii) after the date of distribu-  
10                  tion of the funds to the Tribe under paragraph  
11                  (1).

12                  (B) USE OF FUNDS.—Funds deposited in  
13                  the account established under subparagraph (A)  
14                  shall be available to the Tribe—

15                         (i) subject to subparagraph (C), to  
16                         carry out fisheries enhancement projects;  
17                         and

18                         (ii) pay expenses incurred in admin-  
19                         istering the Permanent Fisheries Fund es-  
20                         tablished under paragraph (2)(A)(ii).

21                  (C) SPECIFICATION OF PROJECTS.—Each  
22                  fisheries enhancement project carried out under  
23                  subparagraph (B)(i) shall be specified in the  
24                  approved annual budget of the Tribe.



1           (4) ACCOUNT FOR INCOME ON JUDGMENT  
2 FUNDS.—

3           (A) IN GENERAL.—The Tribe shall estab-  
4 lish an account for, and deposit in the account,  
5 all investment income earned on the judgment  
6 funds described in subsection (a) during the pe-  
7 riod beginning on September 19, 1989, and  
8 ending on the date of distribution of the funds  
9 to the Tribe under paragraph (1).

10           (B) USE OF FUNDS.—

11           (i) IN GENERAL.—Subject to clause  
12 (ii), funds deposited in the account estab-  
13 lished under subparagraph (A) shall be  
14 available to the Tribe for use in carrying  
15 out tribal government activities.

16           (ii) SPECIFICATION OF ACTIVITIES.—  
17 Each tribal government activity carried out  
18 under clause (i) shall be specified in the  
19 approved annual budget of the Tribe.

20           (b) DETERMINATION OF AMOUNT OF FUNDS AVAIL-  
21 ABLE.—Subject to compliance by the Tribe with para-  
22 graphs (3)(C) and (4)(B)(ii) of subsection (a), the  
23 Quinault Business Committee, as the governing body of  
24 the Tribe, may determine the amount of funds available

1 for expenditure under paragraphs (3) and (4) of sub-  
 2 section (a).

3 (c) ANNUAL AUDIT.—The records and investment ac-  
 4 tivities of the 3 accounts established under subsection (a)  
 5 shall—

6 (1) be maintained separately by the Tribe; and

7 (2) be subject to an annual audit.

8 (d) REPORTING OF INVESTMENT ACTIVITIES AND  
 9 EXPENDITURES.—Not later than 120 days after the date  
 10 on which each fiscal year of the Tribe ends, the Tribe shall  
 11 make available to members of the Tribe a full accounting  
 12 of the investment activities and expenditures of the Tribe  
 13 with respect to each fund established under this section  
 14 (which may be in the form of the annual audit described  
 15 in subsection (c)) for the fiscal year.

16 **SEC. 302. CONDITIONS FOR DISTRIBUTION.**

17 (a) UNITED STATES LIABILITY.—On disbursement  
 18 to the Tribe of the funds under section 301(a), the United  
 19 States shall bear no trust responsibility or liability for the  
 20 investment, supervision, administration, or expenditure of  
 21 the funds.

22 (b) APPLICATION OF OTHER LAW.—All funds dis-  
 23 tributed under this title shall be subject to section 7 of

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

Passed the Senate July 30 (legislative day, July 21),  
2003.

Attest:

*Secretary.*

108TH CONGRESS  
1ST SESSION

**S. 523**

---

---

**AN ACT**

To make technical corrections to laws relating to  
Native Americans, and for other purposes.