

111TH CONGRESS
1ST SESSION

S. 280

To develop a program to acquire interests in land from eligible individuals within the Crow Reservation in the State of Montana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2009

Mr. BAUCUS (for himself and Mr. TESTER) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

A BILL

To develop a program to acquire interests in land from eligible individuals within the Crow Reservation in the State of Montana, 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.**

4 This Act may be cited as the “Crow Tribe Land Res-
5 toration Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to authorize the Secretary
8 of the Interior—

1 (1) to develop a program to acquire land and
2 interests in land from eligible individuals within the
3 Crow Reservation in the State of Montana;

4 (2) to hold in trust the land, and interests in
5 land, described in paragraph (1) for the benefit of
6 the Crow Tribe of the State of Montana;

7 (3) to allow the Tribe to assume management
8 of the land and interests in land; and

9 (4) to end the continuing fractionation of land
10 on the Reservation.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) **COST.**—The term “cost” means the cost of
14 a direct loan, within the meaning of section
15 502(5)(B) of the Federal Credit Reform Act of 1990
16 (2 U.S.C. 661a(5)(B)).

17 (2) **ELIGIBLE INDIVIDUAL.**—The term “eligible
18 individual” means an individual that owns land, or
19 an interest in land, within the Reservation.

20 (3) **LOAN.**—The term “loan” has the meaning
21 given the term “direct loan” in section 502 of the
22 Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

23 (4) **LOAN OBLIGATION.**—The term “loan obli-
24 gation” has the meaning given the term “direct loan

1 obligation” in section 502 of the Federal Credit Re-
2 form Act of 1990 (2 U.S.C. 661a).

3 (5) RESERVATION.—The term “Reservation”
4 means the Crow Reservation in the State of Mon-
5 tana.

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

8 (7) TRIBE.—The term “Tribe” means the Crow
9 Tribe of the State of Montana.

10 **SEC. 4. ACQUISITION OF LAND WITHIN RESERVATION.**

11 (a) PURCHASING PROGRAM.—

12 (1) ESTABLISHMENT.—As soon as practicable
13 after the date of enactment of this Act, the Sec-
14 retary shall establish a loan program to assist the
15 Tribe in purchasing from eligible individuals land,
16 and interests in land, within the Reservation.

17 (2) REQUIREMENTS.—

18 (A) VOLUNTARY SALE.—A sale of land to
19 the Tribe under the purchasing program shall
20 be voluntary.

21 (B) REASONABLE PURCHASE PRICE.—To
22 receive funds under the purchasing program,
23 the Tribe shall offer to an eligible individual in
24 consideration for land, or an interest in land,
25 within the Reservation an amount equal to the

1 reasonable purchase price of the land, or inter-
 2 est in land, of the eligible individual, as deter-
 3 mined in accordance with subsection (b).

4 (3) NOTIFICATION TO ELIGIBLE INDIVID-
 5 UALS.—

6 (A) IN GENERAL.—As soon as practicable
 7 after the date on which the purchasing program
 8 is established, the Tribe shall provide to each
 9 eligible individual a notification with respect to
 10 the program, including any guidelines issued by
 11 the Secretary relating to the program.

12 (B) CONTACT WITH ELIGIBLE INDIVID-
 13 UALS.—Notwithstanding any other provision of
 14 law, an eligible individual may be contacted di-
 15 rectly with respect to the purchasing program
 16 by—

17 (i) the Tribe, or a representative of
 18 the Tribe; or

19 (ii) the Secretary, or a representative
 20 of the Secretary.

21 (b) REASONABLE PURCHASE PRICE.—

22 (1) GUIDELINES.—As soon as practicable after
 23 the date of enactment of this Act, the Secretary
 24 shall establish guidelines under which the reasonable

1 purchase price of land, or an interest in land, of an
2 eligible individual shall be determined.

3 (2) CONSIDERATION.—In establishing guide-
4 lines under paragraph (1), the Secretary may take
5 into consideration—

6 (A) current average annual earnings ob-
7 tained from the land, and the extent of
8 fractionated ownership interests in land, of eli-
9 gible individuals; and

10 (B) any other factor the Secretary con-
11 siders to be appropriate.

12 (c) ACCEPTANCE OF OFFER.—On acceptance by an
13 eligible individual of an offer of the Tribe under this sec-
14 tion—

15 (1) the Tribe shall pay to the eligible individual
16 the reasonable purchase price of the land, or interest
17 in land, of the eligible individual, as determined in
18 accordance with subsection (b); and

19 (2) title to the land, or interest in land, ac-
20 quired from the eligible individual shall be conveyed
21 to the United States, to be held in trust by the Sec-
22 retary for the benefit of the Tribe.

23 (d) JUDICIAL REVIEW.—The terms and amount of
24 any offer of the Tribe to purchase land, or an interest

1 in land, of an eligible individual under this section shall
2 not be subject to judicial review.

3 **SEC. 5. PURCHASING PROGRAM FUNDING.**

4 (a) LOAN OBLIGATIONS BY SECRETARY.—

5 (1) ISSUANCE.—

6 (A) IN GENERAL.—To the extent approved
7 in annual appropriations Acts, the Secretary
8 may enter into 1 or more loan obligations with
9 the Tribe as the Secretary determines to be
10 necessary to fund the purchasing program es-
11 tablished under section 4(a)(1).

12 (B) REQUIREMENTS.—Any loan issued
13 under subparagraph (A) shall be subject to
14 such terms and conditions as the Secretary de-
15 termines to be appropriate.

16 (C) COST.—The Secretary shall establish
17 terms and conditions of loans under this para-
18 graph that will result in a budget cost of zero
19 for each loan, to the maximum extent prac-
20 ticable.

21 (2) TERM.—A loan issued under paragraph (1)
22 shall be repaid not later than 40 years after the date
23 of issuance of the loan.

24 (3) INTEREST.—A loan issued under paragraph
25 (1) shall bear interest at a rate to be determined by

1 the Secretary, in consultation with the Secretary of
2 the Treasury, taking into consideration current mar-
3 ket yields on outstanding marketable obligations of
4 the United States of comparable maturities.

5 (4) LIMITATIONS.—

6 (A) TOTAL AMOUNT.—On any date, the
7 total amount of obligations issued under para-
8 graph (1) shall not exceed \$380,000,000.

9 (B) TIMING.—The Secretary shall not
10 issue any loan under this section after Sep-
11 tember 30, 2012.

12 (b) REPAYMENT OF OBLIGATIONS.—

13 (1) IN GENERAL.—The Tribe shall use the reve-
14 nues from any land purchased by the Tribe under
15 this Act to repay the Secretary the amount of any
16 obligation, including interest on such an obligation,
17 issued under subsection (a).

18 (2) REASONABLE PROSPECT OF REPAYMENT.—

19 The Secretary shall ensure, to the maximum extent
20 practicable, that projected revenues described in
21 paragraph (1) provide reasonable prospect of repay-
22 ment of the amount of obligations issued under sub-
23 section (a).

1 **SEC. 6. DONATION OF LAND.**

2 (a) IN GENERAL.—Subject to subsection (b), the Sec-
3 retary may accept from any eligible individual a donation
4 of land or an interest in land within the Reservation.

5 (b) CONDITIONS.—

6 (1) TITLE HELD IN TRUST.—The Secretary
7 shall hold in trust for the benefit of the Tribe the
8 title to any land or interest in land acquired by the
9 Secretary under subsection (a).

10 (2) DESIGNATION OF PLACE OF HONOR.—The
11 Tribe shall designate on the Reservation a place of
12 honor, as the Tribe determines to be appropriate, at
13 which the name of any eligible individual that do-
14 nates land to the Secretary under subsection (a)
15 shall be displayed in perpetuity, in recognition of the
16 donation.

17 **SEC. 7. LAND MANAGEMENT.**

18 (a) TRIBAL RESPONSIBILITY.—Land, and interests
19 in land, held in trust by the Secretary for the benefit of
20 the Tribe under this Act shall be managed by the Tribe
21 in accordance with a land management program to be de-
22 veloped and implemented by the Tribe to achieve repay-
23 ment of each applicable loan obligation under section 5.

24 (b) LIMITATION OF TRUST RESPONSIBILITY.—The
25 trust responsibility of the Secretary with respect to land

1 and interests in land described in subsection (a) shall be
2 limited to—

3 (1) ensuring that the land and interests in land
4 are not subject to alienation; and

5 (2) enabling the Tribe to exercise jurisdiction
6 over the land and interests in land.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$5,000,000 for fiscal year 2009 and each fiscal year there-
10 after, to remain available until expended.

11 **SEC. 8. EFFECT OF ACT.**

12 (a) IN GENERAL.—Nothing in this Act—

13 (1) materially affects the management or oper-
14 ation of Bighorn Lake or Yellowtail Dam; or

15 (2) affects any legally protected right to water
16 in the Bighorn River in the State of Wyoming in ex-
17 istence on the date of enactment of this Act.

18 (b) PURCHASING PROGRAM.—No purchase of land or
19 an interest in land by the Tribe pursuant to the program
20 established under section 4(a)(1) materially affects—

21 (1) the management or operation of Bighorn
22 Lake or Yellowtail Dam; or

23 (2) any legally protected right described in sub-
24 section (a)(2).

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