

103^D CONGRESS
2^D SESSION

H. R. 5200

AN ACT

To resolve the 107th meridian boundary dispute between
the Crow Indian Tribe and the United States.

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 Boundary Settle-
5 ment Act of 1994”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Under the treaty between the United States
2 of America and the Crow Tribe of Indians concluded
3 May 7, 1868 (commonly known as the “Fort Laramie
4 Treaty of 1868”; 15 Stat. 649), the eastern
5 boundary of the Crow Indian Reservation was estab-
6 lished as the 107th meridian for approximately 90
7 miles from the Yellowstone River to the boundary
8 between Montana and Wyoming.

9 (2) Under Executive orders issued in 1884 and
10 1900, the western boundary of the Northern Chey-
11 enne Reservation was established as the 107th me-
12 ridian. The 107th meridian was intended to be the
13 common boundary between the Crow Reservation
14 and Northern Cheyenne Reservation for approxi-
15 mately 25 miles.

16 (3) From 1889 through 1891, a survey was
17 conducted of the eastern boundary of the Crow Res-
18 ervation. The 1891 survey line strayed to the west,
19 and resulted in the exclusion from the Crow Indian
20 Reservation of a strip of land of approximately
21 36,164 acres. Approximately 12,964 acres of such
22 strip of land were included in the Northern Chey-
23 enne Reservation. Deposits of low sulphur coal un-
24 derlie the land excluded from the Crow Indian Res-

1 ervation, including the land included in the Northern
2 Cheyenne Indian Reservation.

3 (4)(A) The erroneous nature of the survey was
4 not discovered for several decades. Meanwhile, the
5 areas along the 107th meridian to the north and
6 south of the Northern Cheyenne Indian Reservation
7 were opened to settlement in the late nineteenth cen-
8 tury and early part of the twentieth century. Patents
9 were issued to non-Indian persons and to the State
10 of Montana for most of the surface land and a sig-
11 nificant portion of the minerals in these areas be-
12 tween the 107th meridian and the 1891 survey line.

13 (B) The 12,964 acres included in the Northern
14 Cheyenne Reservation have been treated as part of
15 the Northern Cheyenne Reservation and occupied by
16 the Northern Cheyenne Tribe and the Northern
17 Cheyenne allottees, and their successors in interest.

18 (5) Legislation to resolve the 107th meridian
19 boundary dispute was introduced in Congress in the
20 1960's and 1970's, and again in 1992, but no such
21 legislation was enacted into law.

22 (b) PURPOSE.—The purpose of this Act is to settle
23 the 107th meridian boundary dispute created by the erro-
24 neous survey of the eastern boundary of the Crow Indian

1 Reservation made by the Federal Government described
2 in subsection (a)(3).

3 **SEC. 3. DEFINITIONS.**

4 As used in this Act:

5 (1) CROW TRIBE.—The term “Crow Tribe”
6 means the Crow Tribe of Indians, the duly recog-
7 nized governing body of the Crow Indian Reserva-
8 tion.

9 (2) DISPUTED AREA.—The term “disputed
10 area” means the approximately 36,164 acres of
11 land, including the minerals, located between the
12 107th meridian on the east and the 1891 survey line
13 on the west from the Yellowstone River on the north
14 to the boundary between the State of Wyoming and
15 the State of Montana on the south.

16 (3) 1891 SURVEY.—The term “1891 survey”
17 means the survey of the eastern boundary of the
18 Crow Reservation conducted by the United States
19 Government from 1889 through 1891.

20 (4) 1891 SURVEY LINE.—The term “1891 sur-
21 vey line” means the erroneous boundary line result-
22 ing from the survey of the 107th meridian which
23 was completed in 1891.

24 (5) NORTHERN CHEYENNE TRIBE.—The term
25 “Northern Cheyenne Tribe” means the Northern

1 Cheyenne Tribe of Indians, with the Northern Chey-
2 enne Tribal Council as the duly recognized governing
3 body of the Northern Cheyenne Indian Reservation.

4 (6) 107TH MERIDIAN BOUNDARY DISPUTE.—
5 The term “107th meridian boundary dispute” means
6 the dispute resulting from the disparity between the
7 location of the 107th meridian and the location of
8 the 1891 survey line.

9 (7) 107TH MERIDIAN ESCROW FUND.—The
10 term “107th meridian escrow fund” means the reve-
11 nues that arise from, or are derived from, parcel
12 number 2, including all accrued interest on such rev-
13 enues, which are held by the Bureau of Indian Af-
14 fairs in an escrow account as of the date of enact-
15 ment of this Act.

16 (8) PARCEL NUMBER 1.—The term “parcel
17 number 1” means the area, encompassing approxi-
18 mately 11,317 acres, bounded on the south by the
19 Montana-Wyoming border, on the east by the 107th
20 meridian, on the north by the extension to the west
21 of the southern boundary of the Northern Cheyenne
22 Indian Reservation, and on the west by the 1891
23 survey line.

24 (9) PARCEL NUMBER 2.—The term “parcel
25 number 2” means the area, encompassing approxi-

1 mately 12,964 acres, bounded on the south by the
2 extension to the west of the southern boundary of
3 the Northern Cheyenne Indian Reservation, on the
4 east by the 107th meridian, on the north by the ex-
5 tension to the west of the northern boundary of the
6 Northern Cheyenne Indian Reservation, and on the
7 west by the 1891 survey line.

8 (10) PARCEL NUMBER 3.—The term “parcel
9 number 3” means the area, encompassing approxi-
10 mately 2,469 acres, bounded on the south by the ex-
11 tension to the west of the northern boundary of the
12 Northern Cheyenne Indian Reservation, on the east
13 by the 107th meridian, on the north by the northern
14 boundary of the Crow Indian Reservation, and on
15 the west by the 1891 survey line.

16 (11) PARCEL NUMBER 4.—The term “parcel
17 number 4” means the area, encompassing approxi-
18 mately 9,415 acres, bounded on the south by the
19 northern boundary of the Crow Indian Reservation,
20 on the east by the 107th meridian, on the north by
21 the midpoint of the Yellowstone River, and on the
22 west by the 1891 survey line.

23 (12) PUBLIC LANDS.—The term “public lands”
24 means any land or interest in land owned by the
25 United States (without regard to the means by

1 which the United States acquired ownership of the
2 land or interest in land) and administered by the
3 Secretary through the Bureau of Land Management.

4 (13) ROYALTIES RECEIVED AND RETAINED BY
5 THE UNITED STATES.—The term “royalties received
6 and retained by the United States” means the royal-
7 ties derived from minerals owned by the United
8 States that the United States retains after all pay-
9 ments from the royalties have been made to the
10 State of Montana or any unit of local government of
11 the State of Montana.

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

14 (15) SETTLEMENT AGREEMENT.—The term
15 “Settlement Agreement” means the agreement be-
16 tween the Secretary, on behalf of the United States
17 and the Crow Tribe, that provides for the resolution
18 of all claims held by the Crow Tribe arising from the
19 107th meridian boundary dispute.

20 (16) UNDISPOSED OF COAL.—The term
21 “undisposed of coal” means coal that has not been
22 conveyed to private parties or to the State of Mon-
23 tana by the United States.

24 (17) UNDISPOSED OF SURFACE LANDS.—The
25 term “undisposed of surface lands” means surface

1 land that has not been conveyed to private parties
2 or to the State of Montana by the United States.

3 (18) UNDISPOSED OF OIL, GAS, COAL METH-
4 ANE, OR OTHER MINERALS.—The term “undisposed
5 of oil, gas, coal methane, or other minerals” means
6 oil, gas, coal methane, or other minerals (excluding
7 coal) that have not been conveyed to private parties
8 or to the State of Montana by the United States.

9 **SEC. 4. SETTLEMENT AGREEMENT.**

10 (a) EXECUTION OF THE SETTLEMENT AGREE-
11 MENT.—Subject to the terms and conditions of this Act,
12 the Secretary shall enter into the Settlement Agreement
13 with the Crow Tribe.

14 (b) RATIFICATION OF THE SETTLEMENT AGREE-
15 MENT.—Subject to the conditions set forth in section 9(a),
16 the United States hereby approves, ratifies, and confirms
17 the Settlement Agreement, to the extent that such Settle-
18 ment Agreement does not conflict with this Act.

19 (c) MODIFICATION OF THE SETTLEMENT AGREE-
20 MENT.—The terms and conditions of the Settlement
21 Agreement may be modified by mutual agreement of the
22 Crow Tribe and the Secretary if such modification—

23 (1) is not inconsistent with this Act; and

24 (2) does not diminish or impair any right or
25 benefit secured to the Northern Cheyenne Tribe, the

1 Northern Cheyenne allottees, or their successors in
2 interest by or pursuant to any provision of this Act.

3 (d) ENFORCEMENT OF THE SETTLEMENT AGREE-
4 MENT.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the Settlement Agreement shall be sub-
7 ject to the enforcement provisions under chapter 7
8 of title 5, United States Code.

9 (2) ADDITIONAL ENFORCEMENT.—If, with re-
10 spect to the enforcement of the Settlement Agree-
11 ment, the remedies available under the provisions re-
12 ferred to in paragraph (1) do not provide adequate
13 or complete relief, the Settlement Agreement shall
14 be subject to the enforcement provisions under sec-
15 tion 1505 of title 28, United States Code.

16 **SEC. 5. SETTLEMENT TERMS AND CONDITIONS AND EXTIN-**
17 **GUISHMENT OF CLAIMS.**

18 (a) PROPERTY WITHIN PARCEL NUMBER 1.—

19 (1) IN GENERAL.—With respect to the property
20 within parcel number 1, the following provisions
21 shall apply:

22 (A) The boundary of the Crow Indian Res-
23 ervation shall be the 107th meridian.

24 (B) Title to the undisposed of coal of such
25 parcel shall be vested in the United States in

1 trust for the sole use and benefit of the Crow
2 Tribe and shall be recognized as part of the
3 Crow Indian Reservation.

4 (C) Title to the undisposed of surface
5 lands of such parcel shall be vested in the Unit-
6 ed States in trust for the sole use and benefit
7 of the Crow Tribe and shall be recognized as
8 part of the Crow Indian Reservation.

9 (D) Title to the undisposed of oil, gas, coal
10 methane, or other minerals of such parcel shall
11 be vested in the United States in trust for the
12 sole use and benefit of the Crow Tribe and shall
13 be recognized as part of the Crow Indian Res-
14 ervation.

15 (2) PROHIBITION.—Nothing in this Act or the
16 Settlement Agreement may alter, diminish, disturb,
17 or cause to be divested any right, title, or interest
18 of any person or entity in any land, coal, oil, gas,
19 coal methane, or mineral within parcel number 1
20 that is based on the 1891 survey line, except for the
21 specific rights that are vested in the United States
22 for the sole use and benefit of the Crow Tribe pursu-
23 ant to subparagraphs (B) through (D) of paragraph
24 (1).

1 (3) WAIVERS AND RELEASES.—The following
2 waivers and releases shall be included in the Settle-
3 ment Agreement:

4 (A) A disclaimer and relinquishment by the
5 Crow Tribe of all right, title, claim, or interest
6 in all the land and minerals within parcel num-
7 ber 1, except for the rights, titles, and interests
8 recognized as beneficially owned by the Crow
9 Tribe and as part of the Crow Indian Reserva-
10 tion in subparagraphs (B) through (D) of para-
11 graph (1).

12 (B) A release by the Crow Tribe of all per-
13 sons and entities, including the United States,
14 from any liability arising from, or related to,
15 the 1891 survey and the subsequent occupancy
16 and use of parcel number 1.

17 (b) PROPERTY WITHIN PARCEL NUMBER 2.—

18 (1) IN GENERAL.—With respect to the property
19 within parcel number 2, the following provisions
20 shall apply:

21 (A) The boundary between the Crow and
22 Northern Cheyenne Indian Reservations shall
23 be the 1891 survey line.

1 (B) All surface lands and minerals of such
2 parcel shall constitute part of the Northern
3 Cheyenne Reservation.

4 (C) All surface lands, including all rights
5 appurtenant to the surface lands, of such parcel
6 shall be vested in the United States in trust for
7 the sole use and benefit of the Northern Chey-
8 enne Tribe, except that surface lands that have
9 been allotted shall be recognized as held in
10 trust for, or owned in fee by (as the case may
11 be), the Northern Cheyenne allottees or their
12 successors in interest.

13 (D) The oil, gas, coal, coal methane, and
14 other minerals, including all rights appurtenant
15 to such minerals, of such parcel shall be vested
16 in the United States in trust for the sole use
17 and benefit of the Northern Cheyenne Tribe.

18 (2) WAIVERS AND RELEASES.—The following
19 waivers and releases shall be included in the Settle-
20 ment Agreement:

21 (A) A disclaimer and relinquishment by the
22 Crow Tribe of all right, jurisdiction, title, claim,
23 or interest in the lands and minerals within
24 parcel number 2, including all rights appur-
25 tenant to such land and minerals.

1 (B) A release by the Crow Tribe of all per-
2 sons and entities, including the United States,
3 the Northern Cheyenne Tribe, the Northern
4 Cheyenne allottees and their successors in inter-
5 est, from any liability arising from, or related
6 to, the 1891 survey and the subsequent occu-
7 pancy and use of parcel number 2.

8 (3) ENFORCEMENT.—The provisions of sub-
9 section (b) may be enforced, in law or in equity, by
10 the Northern Cheyenne Tribe, Northern Cheyenne
11 allottees, and their successors in interest, in accord-
12 ance with their respective interests.

13 (c) PROPERTY WITHIN PARCEL NUMBER 3 AND PAR-
14 CEL NUMBER 4.—

15 (1) IN GENERAL.—With respect to the property
16 within parcel number 3 and parcel number 4, the
17 boundary of the Crow Indian Reservation shall be
18 the 1891 survey line.

19 (2) PROHIBITION.—Nothing in this Act or the
20 Settlement Agreement may alter, diminish, disturb,
21 or cause to be divested any right, title, or interest
22 of any person or entity in any land, coal, or mineral
23 within parcel number 3 or parcel number 4 that is
24 based on the 1891 survey line.

1 (3) WAIVERS AND RELEASES.—The following
2 waivers and releases shall be included in the Settle-
3 ment Agreement:

4 (A) A disclaimer and relinquishment by the
5 Crow Tribe of all right, jurisdiction, title, claim,
6 or interest in the lands and minerals situated
7 within parcel number 3 and parcel number 4.

8 (B) A release by the Crow Tribe of all per-
9 sons and entities, including the United States,
10 from any liability arising from, or related to,
11 the 1891 survey and the subsequent occupancy
12 and use of parcel number 3 and parcel number
13 4.

14 (d) EXCHANGE OF PUBLIC LANDS.—With respect to
15 the land exchanges with the State of Montana and private
16 landowners made under this Act the following provisions
17 shall apply:

18 (1) IN GENERAL.—(A) The Secretary shall ne-
19 gotiate with the State of Montana for the purpose
20 of exchanging public lands within the State of Mon-
21 tana for State trust lands within the Crow Reserva-
22 tion having a total value substantially equal to the
23 value of the surface estate of the approximately
24 46,625 acres of State trust lands obtained by the
25 State of Montana pursuant to the Act of February

1 22, 1889 (commonly known as the “Montana Ena-
2 bling Act”; 25 Stat. 676, chapter 180), and the Act
3 entitled “An Act to provide for the allotment of
4 lands of the Crow Tribe for the distribution of tribal
5 funds and for other purposes” approved June 4,
6 1920 (commonly known as the “Crow Allotment
7 Act”; 41 Stat. 751, chapter 224) within the Crow
8 Indian Reservation and the disputed area.

9 (B) The exchange described in subparagraph
10 (A) shall be in accordance with the exchange proce-
11 dures set forth in section 206 of the Federal Land
12 Policy and Management Act of 1976 (43 U.S.C.
13 1716).

14 (C) In determining the fair market value of the
15 lands described in subparagraph (A), the parties to
16 the exchange shall give due consideration to the
17 value of improvements on the lands.

18 (D) The Secretary shall ensure that lands ex-
19 changed pursuant to this paragraph as part of the
20 settlement of the 107th Meridian boundary dispute
21 made pursuant to this Act shall be selected in such
22 manner that the financial impact on local govern-
23 ments, if any, will be minimized.

24 (E) The Secretary shall provide such financial
25 or other assistance to the State of Montana and to

1 the Crow Tribe as may be necessary to obtain the
2 appraisals, and to satisfy administrative require-
3 ments, necessary to accomplish the exchanges made
4 pursuant to subparagraph (A).

5 (F) Upon approving an exchange made pursu-
6 ant to this paragraph, the Secretary shall—

7 (i) receive title to the State trust lands in-
8 volved in the exchange on behalf of the United
9 States; and

10 (ii) transfer title to the public lands dis-
11 posed of pursuant to the exchanges with the
12 State of Montana by such means of conveyance
13 as the Secretary considers appropriate.

14 (G) Title to the State trust lands acquired pur-
15 suant to the exchanges made with the State of Mon-
16 tana pursuant to this paragraph shall be vested in
17 the United States in trust for the sole use and bene-
18 fit of the Crow Tribe and shall be recognized as part
19 of the Crow Indian Reservation.

20 (2) REQUIREMENT FOR EXCHANGES.—(A) In
21 carrying out the exchanges with the State of Mon-
22 tana pursuant to paragraph (1), the Secretary shall,
23 during a period of at least 5 years beginning on the
24 date on which the Settlement Agreement becomes ef-
25 fective, give first priority to the exchange of public

1 lands within the State of Montana for State trust
2 lands owned by the State of Montana as of the date
3 of the enactment of this Act.

4 (B) Subject to subparagraph (C), if, for any
5 reason, after the expiration of the period specified in
6 subparagraph (A), the exchanges of the State trust
7 lands identified in paragraph (1) have not provided
8 the Crow Tribe with a total of 46,625 acres of sur-
9 face lands within the boundaries of the existing
10 Crow Indian Reservation (including parcel number
11 1), the Secretary shall, at the request of, and in co-
12 operation with, the Crow Tribe, develop and imple-
13 ment a program to provide the Crow Tribe with ad-
14 ditional land within the Crow Indian Reservation
15 (including parcel number 1) through land exchanges
16 with private landowners.

17 (C) The total value of—

18 (i) the value of the lands exchanged and
19 acquired for the Crow Tribe pursuant to para-
20 graph (1), and

21 (ii) the value of the lands exchanged and
22 acquired for the Crow Tribe pursuant to this
23 paragraph,

1 shall not exceed the value of the surface estate of
2 the 46,625 acres of land identified in paragraph
3 (1)(A).

4 (D) In carrying out a program developed pursu-
5 ant to this paragraph, the Secretary may exchange
6 public lands within the State of Montana for private
7 lands of substantially equal value within the bound-
8 aries of the existing Crow Indian Reservation in ac-
9 cordance with section 206 of the Federal Land Pol-
10 icy Management Act of 1976 (43 U.S.C. 1716).

11 (E) In determining the fair market value of the
12 lands described in subparagraph (D), the parties to
13 an exchange made pursuant to subparagraph (D)
14 shall give due consideration to the value of improve-
15 ments on the lands.

16 (F) If the Secretary obtains private lands pur-
17 suant to subparagraph (D), the Secretary shall
18 transfer title to such lands to the Crow Tribe.

19 (G) Title to any private or public lands trans-
20 ferred to the Crow Tribe pursuant to this paragraph
21 shall—

22 (i) be vested in the United States in trust
23 for the sole use and benefit of the Crow Tribe;
24 and

1 limitation, to the Secretary for distribution to the
2 Crow Tribe in accordance with subsection (d).

3 (b) CONTRIBUTIONS TO CROW TRIBAL TRUST
4 FUND.—

5 (1) IN GENERAL.—Subject to paragraph (2)
6 and the requirements of section 10—

7 (A) on or before November 30, 1994, the
8 Secretary of the Treasury shall deposit into the
9 Crow Tribal Trust Fund an amount equal to
10 the amounts of royalties received and retained
11 by the United States during fiscal year 1994
12 from the East Decker, West Decker, and
13 Spring Creek coal mines; and

14 (B) commencing with fiscal year 1995 and
15 for such period thereafter as may be necessary,
16 the Secretary and the Secretary of the Treasury
17 shall make necessary and proper arrangements
18 for the monthly payment, transfer, or deposit
19 (or any combination thereof) into the Crow
20 Tribal Trust Fund of the royalties received and
21 retained by the United States for the imme-
22 diately preceding month from the East Decker,
23 West Decker, and Spring Creek coal mines in
24 the State of Montana for the life of such mines,
25 including any extensions of the existing leases

1 for such mines and any expansions of such
2 mines to nearby and adjacent federally owned
3 coal deposits, as specified in the Settlement
4 Agreement.

5 (2) AMOUNT OF ROYALTIES.—The total amount
6 of royalties described in paragraph (1) that are paid,
7 transferred, or deposited into the Crow Tribal Trust
8 Fund shall not exceed, in the aggregate,
9 \$85,000,000, excluding—

10 (A) any interest earned on moneys in the
11 Crow Tribal Trust Fund; and

12 (B) the funds transferred to the Suspen-
13 sion Accounts pursuant to section 10.

14 (3) PAYMENTS OF ROYALTIES RECEIVED AND
15 RETAINED BY THE UNITED STATES.—Subject to
16 paragraph (2) and the requirements of section 10,
17 the royalties received and retained by the United
18 States from the East Decker, West Decker, and
19 Spring Creek coal mines shall be paid, transferred or
20 deposited into the Crow Tribal Trust Fund not later
21 than 30 days after the date on which the royalties
22 are due and paid.

23 (4) ADDITIONAL PAYMENTS.—The Federal
24 Government shall make payments, in addition to the
25 payments referred to in paragraph (3), from the roy-

1 alties received and retained by the United States
2 from other coal mines within the State of Montana
3 into the Crow Tribal Trust Fund in an amount
4 equal to any lost interest income (as determined by
5 the Secretary), if any portion of the sums described
6 in paragraph (3) are not paid, transferred or depos-
7 ited into the Crow Tribal Trust Fund within the 30-
8 day period prescribed in paragraph (3).

9 (c) INVESTMENT.—At the request of the Secretary,
10 the Secretary of the Treasury shall invest all sums depos-
11 ited into, accruing to, and remaining in, the Crow Tribal
12 Trust Fund in accordance with the Act of February 12,
13 1929 (45 Stat. 1164, chapter 178; 25 U.S.C. 161a).

14 (d) DISTRIBUTION OF INTEREST.—

15 (1) IN GENERAL.—Only the interest received on
16 funds in the Crow Tribal Trust Fund shall be avail-
17 able for distribution by the Secretary to the Crow
18 Tribe for use for education, land acquisition, eco-
19 nomic development, youth and elderly programs or
20 other tribal purposes in accordance with plans and
21 budgets developed and approved by the Crow Tribe
22 and approved by the Secretary.

23 (2) REQUIREMENTS FOR DISTRIBUTION OF IN-
24 TEREST.—Commencing with fiscal year 1996 and
25 for each fiscal year thereafter, without fiscal year

1 limitation, the interest received on monies in the
2 Crow Tribal Trust Fund shall be available for dis-
3 tribution under this subsection only if—

4 (A) the United States and the Crow Tribe
5 enter into the Settlement Agreement; and

6 (B) the requirements of section 9 relating
7 to the approval and execution of the Settlement
8 Agreement are satisfied.

9 (3) PROHIBITION.—No portion of the Crow
10 Tribal Trust Fund or the interest earned on the
11 Crow Tribal Trust Fund may be distributed to mem-
12 bers of the Crow Tribe on a per capita basis.

13 (e) USE OF INTEREST FOR ECONOMIC DEVELOP-
14 MENT.—Notwithstanding any other provision of law, the
15 Crow Tribe may, subject to approval by the Secretary, as-
16 sign the right of the Crow Tribe to the interest earned
17 on monies in the Crow Tribal Trust Fund to a third party
18 in connection with loans made for economic development
19 projects on or near the Crow Indian Reservation.

20 (f) LIMITATION.—Notwithstanding any other provi-
21 sion of law, no portion of the principal of the Crow Tribal
22 Trust Fund shall be available for withdrawal or disburse-
23 ment or used for any purpose other than the purposes
24 specified in this section and section 10.

1 **SEC. 7. ELIGIBILITY FOR OTHER FEDERAL SERVICES; TAX**
2 **EXEMPTION.**

3 No payments made or benefits conferred pursuant to
4 this Act shall result in the reduction or denial of any Fed-
5 eral services or programs to any tribe or to any member
6 of a tribe to which the tribe or member of the tribe is
7 entitled or eligible because of the status of the tribe as
8 a federally recognized Indian tribe or the status of a mem-
9 ber of such tribe as a member.

10 **SEC. 8. EXCHANGES OF LAND OR MINERALS.**

11 (a) IN GENERAL.—(1) Subject to approval by the
12 Secretary, the Crow Tribe may exchange any land or min-
13 erals to which its title is recognized in or obtained pursu-
14 ant to this Act for other land or minerals of substantially
15 equivalent value within the Crow Indian Reservation (in-
16 cluding parcel number 1).

17 (2) Lands or minerals received by the Crow Tribe in
18 any exchange made pursuant to paragraph (1) shall be—

19 (A) vested in the United States in trust for the
20 sole use and benefit of the Crow Tribe; and

21 (B) recognized as part of the Crow Indian Res-
22 ervation.

23 (b) OWNERSHIP BY NON-INDIANS.—Any land or
24 minerals received by a person who is not an Indian in an
25 exchange referred to in subsection (a) shall be owned in
26 fee.

1 **SEC. 9. APPLICABILITY.**

2 (a) IN GENERAL.—The Act shall take effect upon the
3 occurrence of the following conditions:

4 (1) The Settlement Agreement is approved and
5 executed by the Secretary.

6 (2) The Settlement Agreement is approved and
7 executed by the Crow Tribe.

8 (3) The Settlement Agreement and the releases
9 and waivers required by section 5 are approved and
10 duly executed by the Crow Tribe in accordance with
11 the requirements and procedures set forth in the
12 constitution of the Crow Tribe.

13 (4) The Settlement Agreement becomes effec-
14 tive in accordance with the terms and conditions
15 specified in the Settlement Agreement.

16 (b) APPROVAL OF RELEASES AND WAIVERS.—The
17 United States hereby approves and confirms the releases
18 and waivers required by section 5.

19 **SEC. 10. ESCROW FUNDS.**

20 (a) IN GENERAL.—As soon as practicable after the
21 date of enactment of this Act, the Secretary shall make
22 distributions from the 107th meridian escrow fund as fol-
23 lows:

24 (1) One-half of the fund shall be distributed to
25 the Crow Tribe.

1 (2) One-half of the fund shall be distributed to
2 the Northern Cheyenne Tribe.

3 (3) The receipt and acceptance by a tribe of
4 funds distributed under this section shall be deemed
5 to be—

6 (A) a disclaimer, relinquishment and waiv-
7 er by such tribe of all right, claim or interest
8 in the 107th meridian escrow fund; and

9 (B) a release by such tribe of all persons
10 and entities, including the United States, from
11 any liability arising from, or related to, the es-
12 tablishment and administration of the 107th
13 meridian escrow fund.

14 (b) ESTABLISHMENT OF SUSPENSION ACCOUNTS.—
15 As soon as practicable after the Settlement Agreement is
16 executed and approved pursuant to this Act, the Secretary
17 of the Treasury shall establish in the Treasury of the
18 United States two interest bearing accounts to be known
19 respectively as the “Crow Tribal Suspension Account” and
20 the “Northern Cheyenne Tribal Suspension Account” (col-
21 lectively referred to in this subsection as the “Suspension
22 Accounts”), consisting of—

23 (1) such amounts as are transferred to the Sus-
24 pension Accounts under subsection (c); and

1 (2) any interest earned on investments of
2 amounts in the Suspension Accounts under sub-
3 section (e).

4 (c) CONTRIBUTIONS TO THE SUSPENSION AC-
5 COUNTS.—

6 (1) IN GENERAL.—Beginning with fiscal year
7 1995, and ending on the date on which the total
8 amount deposited pursuant to this subsection into
9 the Suspension Accounts is equal to \$200,000 for
10 each such account (as specified in subsection (d)),
11 the Secretary and the Secretary of the Treasury
12 shall make necessary and proper arrangements for
13 the monthly payment, transfer, or deposit (or any
14 combination thereof) into each of the Suspension Ac-
15 counts of an amount equal to one-half of the royalti-
16 ties received and retained by the United States for
17 the immediately preceding month, as determined in
18 accordance with section 6(b)(1), by the date speci-
19 fied under section 6(b)(3).

20 (2) SUBSEQUENT DEPOSITS.—At such time as
21 the amount deposited pursuant to this subsection
22 into the Suspension Accounts is equal to \$200,000
23 for each such account (as specified in subsection
24 (d)), in accordance with section 6(b)(1), the Sec-
25 retary and the Secretary of the Treasury shall there-

1 after deposit any remaining amounts determined
2 under section 6(b)(1) in the Crow Tribal Trust
3 Fund established under section 6(a).

4 (d) LIMITATION.—The Secretary and the Secretary
5 of the Treasury shall not transfer more than a total
6 amount equal to \$200,000 to each of the Suspension Ac-
7 counts from the amounts determined under section
8 6(b)(1).

9 (e) INVESTMENT.—All sums deposited in, accruing to
10 and remaining in the Suspension Accounts shall be in-
11 vested by the Secretary and the Secretary of the Treasury
12 in interest bearing deposits and securities in accordance
13 with the Act of June 24, 1938 (52 Stat. 1037, chapter
14 648; 25 U.S.C. 162a).

15 (f) WITHDRAWALS AND TERMINATION.—

16 (1) IN GENERAL.—(A) Beginning on the date
17 that is 5 years after the date of enactment of this
18 Act, the Crow Tribe and the Northern Cheyenne
19 Tribe may each submit a duly authorized request to
20 the Secretary for the withdrawal of all of the funds
21 from the Suspension Account of the tribe established
22 under subsection (b).

23 (B) Not later than 60 days after receiving a re-
24 quest for the distribution of funds from a Suspen-

1 sion Account made by a tribe under subparagraph
2 (A)—

3 (i) the Secretary shall, in cooperation with
4 the Secretary of the Treasury, withdraw and
5 distribute such funds in accordance with such
6 request; and

7 (ii) the Secretary of the Treasury shall ter-
8minate the Suspension Account.

9 (2) OTHER MEANS OF TERMINATION.—With re-
10spect to a Suspension Account established under
11subsection (b) that is not terminated pursuant to
12paragraph (1), at such time as the corpus and the
13accrued interest of the Suspension Account of the
14Crow Tribe or the Northern Cheyenne Tribe is ap-
15proximately equal to the amount specified in para-
16graph (1) or (2) of subsection (a), the Secretary of
17the Treasury shall terminate the Suspension Ac-
18count and the Secretary of the Interior shall distrib-
19ute the funds from the Suspension Account to the
20tribe.

21 **SEC. 11. FORT LARAMIE TREATY OF 1868.**

22 Except for the adjustment to the eastern boundary
23 of the Crow Indian Reservation, nothing in this Act or
24 in the Settlement Agreement shall affect or modify the
25 terms and conditions of the treaty between the United

1 States of America and the Crow Tribe of Indians con-
2 cluded May 7, 1868 (commonly known as the “Fort Lara-
3 mie Treaty of 1868”; 15 Stat. 649).

4 **SEC. 12. SATISFACTION OF CLAIMS.**

5 The benefits available to the Crow Tribe under the
6 terms and conditions of this Act and the Settlement
7 Agreement shall constitute full and complete satisfaction
8 of all claims by the Crow Tribe and the members of the
9 Crow Tribe arising from or related to the erroneous survey
10 of the 107th meridian described in section 2(a)(3).

11 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to the De-
13 partment of the Interior such sums as are necessary to
14 carry out this Act.

Passed the House of Representatives October 7 (leg-
islative day, October 6), 1994.

Attest:

Clerk.

103^D CONGRESS
2^D SESSION

H. R. 5200

AN ACT

To resolve the 107th meridian boundary dispute between the Crow Indian Tribe and the United States.