

services or programs to the Tribe or to members of the Tribe, to which they are entitled or eligible because of their status as a federally recognized Indian tribe or member of the Tribe.

(c) Preservation of existing rights

Except as provided in this subchapter or the Settlement Agreement, any right to which the Tribe is entitled under existing law shall not be affected or diminished.

(d) Amendment of Settlement Agreement

The Settlement Agreement may be amended from time to time in accordance with its terms and conditions to the extent that such amendments are not inconsistent with the trust land acquisition provisions of the Settlement Agreement, as such provisions existed on—

- (1) December 27, 2000, in the case of Modifications One and Three; and
- (2) September 14, 2000, in the case of Modification Four.

(Pub. L. 106-568, title VI, §609, Dec. 27, 2000, 114 Stat. 2912.)

§ 1778h. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this subchapter.

(Pub. L. 106-568, title VI, §610, Dec. 27, 2000, 114 Stat. 2912.)

SUBCHAPTER XIII—CHEROKEE, CHOCTAW, AND CHICKASAW NATIONS CLAIMS SETTLEMENT

§ 1779. Findings

The Congress finds the following:

(1) It is the policy of the United States to promote tribal self-determination and economic self-sufficiency and to encourage the resolution of disputes over historical claims through mutually agreed-to settlements between Indian Nations and the United States.

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

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

(4) The Choctaw Nation, a federally recognized Indian tribe with its present tribal headquarters in Durant, Oklahoma, having adopted its most recent constitution on July 9, 1983, and having entered into various treaties with the United States of America, including but

not limited to the Treaty at Hopewell, executed on January 3, 1786 (7 Stat. 21), and the Treaty at Washington, D.C., executed on April 28, 1866 (7 Stat. 21),¹ has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union.

(5) The Chickasaw Nation, a federally recognized Indian tribe with its present tribal headquarters in Ada, Oklahoma, having adopted its most recent constitution on August 27, 1983, and having entered into various treaties with the United States of America, including but not limited to the Treaty at Hopewell, executed on January 10, 1786 (7 Stat. 24), and the Treaty at Washington, D.C., executed on April 28, 1866 (7 Stat. 21),¹ has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union.

(6) In the first half of the 19th century, the Cherokee, Choctaw, and Chickasaw Nations were forcibly removed from their homelands in the southeastern United States to lands west of the Mississippi in the Indian Territory that were ceded to them by the United States. From the “Three Forks” area near present day Muskogee, Oklahoma, downstream to the point of confluence with the Canadian River, the Arkansas River flowed entirely within the territory of the Cherokee Nation. From that point of confluence downstream to the Arkansas territorial line, the Arkansas River formed the boundary between the Cherokee Nation on the left side of the thread of the river and the Choctaw and Chickasaw Nations on the right.

(7) Pursuant to the Act of April 30, 1906 (34 Stat. 137),² tribal property not allotted to individuals or otherwise disposed of, including the bed and banks of the Arkansas River, passed to the United States in trust for the use and benefit of the respective Indian Nations in accordance with their respective interests therein.

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

(9) Third parties with property near the Arkansas River began to occupy the Indian Nations’ Drybed Lands—lands that were under water at the time of statehood but that are now dry due to changes in the course of the river.

(10) In 1966, the Indian Nations sued the State of Oklahoma to recover their lands. In 1970, the Supreme Court of the United States decided in the case of Choctaw Nation vs. Oklahoma (396 U.S. 620),³ that the Indian Nations retained title to their respective portions of the Riverbed along the navigable reach of the river.

(11) In 1987, the Supreme Court of the United States in the case of United States vs. Chero-

¹ So in original. Probably should be “(14 Stat. 769).”

² See References in Text note below.

³ So in original. Probably should be “(397 U.S. 620).”

kee Nation (480 U.S. 700) decided that the riverbed lands did not gain an exemption from the Federal Government's navigational servitude and that the Cherokee Nation had no right to compensation for damage to its interest by exercise of the Government's servitude.

(12) In 1989, the Indian Nations filed lawsuits against the United States in the United States Court of Federal Claims (Case Nos. 218-89L and 630-89L), seeking damages for the United States' use and mismanagement of tribal trust resources along the Arkansas River. Those actions are still pending.

(13) In 1997, the United States filed quiet title litigation against individuals occupying some of the Indian Nations' Drybed Lands. That action, filed in the United States District Court for the Eastern District of Oklahoma, was dismissed without prejudice on technical grounds.

(14) Much of the Indian Nations' Drybed Lands have been occupied by a large number of adjacent landowners in Oklahoma. Without Federal legislation, further litigation against thousands of such landowners would be likely and any final resolution of disputes would take many years and entail great expense to the United States, the Indian Nations, and the individuals and entities occupying the Drybed Lands and would seriously impair long-term economic planning and development for all parties.

(15) The Councils of the Cherokee and Choctaw Nations and the Legislature of the Chickasaw Nation have each enacted tribal resolutions which would, contingent upon the passage of this subchapter and the satisfaction of its terms and in exchange for the moneys appropriated hereunder—

(A) settle and forever release their respective claims against the United States asserted by them in United States Court of Federal Claims Case Nos. 218-89L and 630-89L; and

(B) forever disclaim any and all right, title, and interest in and to the Disclaimed Drybed Lands, as set forth in those enactments of the respective councils of the Indian Nations.

(16) The resolutions adopted by the respective Councils of the Cherokee, Choctaw, and Chickasaw Nations each provide that, contingent upon the passage of the settlement legislation and satisfaction of its terms, each Indian Nation agrees to dismiss, release, and forever discharge its claims asserted against the United States in the United States Court of Federal Claims, Case Nos. 218-89L and 630-89L, and to forever disclaim any right, title, or interest of the Indian Nation in the Disclaimed Drybed Lands, in exchange for the funds appropriated and allocated to the Indian Nation under the provisions of the settlement legislation, which funds the Indian Nation agrees to accept in full satisfaction and settlement of all claims against the United States for the damages sought in the aforementioned claims asserted in the United States Court of Federal Claims, and as full and fair compensation for disclaiming its right, title, and interest in the Disclaimed Drybed Lands.

(17) In those resolutions, each Indian Nation expressly reserved all of its beneficial interest and title to all other Riverbed lands, including minerals, as determined by the Supreme Court in *Choctaw Nation v. Oklahoma*, 397 U.S. 620 (1970), and further reserved any and all right, title, or interest that each Nation may have in and to the water flowing in the Arkansas River and its tributaries.

(Pub. L. 107-331, title VI, §602, Dec. 13, 2002, 116 Stat. 2845.)

REFERENCES IN TEXT

The Act of April 30, 1906 (34 Stat. 137), referred to in par. (7), probably means the Act of April 26, 1906, ch. 1876, 34 Stat. 137, which was classified in part as a note under section 355 of this title.

SHORT TITLE

Pub. L. 107-331, title VI, §601, Dec. 13, 2002, 116 Stat. 2845, provided that: "This title [enacting this subchapter] may be cited as the 'Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act'."

§ 1779a. Purposes

The purposes of this subchapter are to resolve all claims that have been or could have been brought by the Cherokee, Choctaw, and Chickasaw Nations against the United States, and to confirm that the Indian Nations are forever disclaiming any right, title, or interest in the Disclaimed Drybed Lands, which are contiguous to the channel of the Arkansas River as of December 13, 2002, in certain townships in eastern Oklahoma.

(Pub. L. 107-331, title VI, §603, Dec. 13, 2002, 116 Stat. 2847.)

§ 1779b. Definitions

For the purposes of this subchapter, the following definitions apply:

(1) Disclaimed Drybed Lands

The term "Disclaimed Drybed Lands" means all Drybed Lands along the Arkansas River that are located in Township 10 North in Range 24 East, Townships 9 and 10 North in Range 25 East, Township 10 North in Range 26 East, and Townships 10 and 11 North in Range 27 East, in the State of Oklahoma.

(2) Drybed Lands

The term "Drybed Lands" means those lands which, on December 13, 2002, lie above and contiguous to the mean high water mark of the Arkansas River in the State of Oklahoma. The term "Drybed Lands" is intended to have the same meaning as the term "Upland Claim Area" as used by the Bureau of Land Management Cadastral Survey Geographic Team in its preliminary survey of the Arkansas River. The term "Drybed Lands" includes any lands so identified in the "Holway study."

(3) Indian Nation; Indian Nations

The term "Indian Nation" means the Cherokee Nation, Choctaw Nation, or Chickasaw Nation, and the term "Indian Nations" means all 3 tribes collectively.

(4) Riverbed

The term "Riverbed" means the Drybed Lands and the Wetbed Lands and includes all minerals therein.

(5) Secretary

The term “Secretary” means the Secretary of the Interior.

(6) Wetbed Lands

The term “Wetbed Lands” means those Riverbed lands which lie below the mean high water mark of the Arkansas River in the State of Oklahoma as of December 13, 2002, exclusive of the Drybed Lands. The term “Wetbed Lands” is intended to have the same meaning as the term “Present Channel Claim Areas” as utilized by the Bureau of Land Management Cadastral Survey Geographic Team in its preliminary survey of the Arkansas River.

(Pub. L. 107-331, title VI, §604, Dec. 13, 2002, 116 Stat. 2847.)

§ 1779c. Settlement and claims; appropriations; allocation of funds**(a) Extinguishment of claims**

Pursuant to their respective tribal resolutions, and in exchange for the benefits conferred under this subchapter, the Indian Nations shall, on December 13, 2002, enter into a consent decree with the United States that waives, releases, and dismisses all the claims they have asserted or could have asserted in their cases numbered 218-89L and 630-89L pending in the United States Court of Federal Claims against the United States, including but not limited to claims arising out of any and all of the Indian Nations’ interests in the Disclaimed Drybed Lands and arising out of construction, maintenance and operation of the McClellan-Kerr Navigation Way. The Indian Nations and the United States shall lodge the consent decree with the Court of Federal Claims within 30 days of December 13, 2002, and shall move for entry of the consent decree at such time as all appropriations by Congress pursuant to the authority of this subchapter have been made and deposited into the appropriate tribal trust fund account of the Indian Nations as described in section 1779d of this title. Upon entry of the consent decree, all the Indian Nations’ claims and all their past, present, and future right, title, and interest to the Disclaimed Drybed Lands, shall be deemed extinguished. No claims may be asserted in the future against the United States pursuant to sections 1491, 1346(a)(2), or 1505 of title 28 for actions taken or failed to have been taken by the United States for events occurring prior to the date of the extinguishment of claims with respect to the Riverbed.

(b) Release of tribal claims to certain Drybed Lands**(1) In general**

Upon the deposit of all funds authorized for appropriation under subsection (c) of this section for an Indian Nation into the appropriate trust fund account described in section 1779d of this title—

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

(B) any interest of the Indian Nations or the United States as trustee on their behalf in the Disclaimed Drybed Lands shall further be extinguished pursuant to the Trade and Intercourse Act of 1790, Act of July 22, 1790 (ch. 33, 1 Stat. 137), and all subsequent amendments thereto (as codified at 25 U.S.C. 177);

(C) to the extent parties other than the Indian Nations have transferred interests in the Disclaimed Drybed Lands in violation of the Trade and Intercourse Act, Congress does hereby approve and ratify such transfers of interests in the Disclaimed Drybed Lands to the extent that such transfers otherwise are valid under law; and

(D) the Secretary is authorized to execute an appropriate document citing this subchapter, suitable for filing with the county clerks, or such other county official as appropriate, of those counties wherein the foregoing described lands are located, disclaiming any tribal or Federal interest on behalf of the Indian Nations in such Disclaimed Drybed Lands. The Secretary is authorized to file with the counties a plat or map of the disclaimed lands should the Secretary determine that such filing will clarify the extent of lands disclaimed. Such a plat or map may be filed regardless of whether the map or plat has been previously approved for filing, whether or not the map or plat has been filed, and regardless of whether the map or plat constitutes a final determination by the Secretary of the extent of the Indian Nations’ original claim to the Disclaimed Drybed Lands. The disclaimer filed by the United States shall constitute a disclaimer of the Disclaimed Drybed Lands for purposes of the Trade and Intercourse Act (25 U.S.C. 177).

(2) Special provisions

Notwithstanding any provision of this subchapter—

(A) the Indian Nations do not relinquish any right, title, or interest in any lands which constitute the Wetbed Lands subject to the navigational servitude exercised by the United States on the Wetbed Lands. By virtue of the exercise of the navigational servitude, the United States shall not be liable to the Indian Nations for any loss they may have related to the minerals in the Wetbed Lands;

(B) no provision of this subchapter shall be construed to extinguish or convey any water rights of the Indian Nations in the Arkansas River or any other stream or the beneficial interests or title of any of the Indian Nations in and to lands held in trust by the United States on December 13, 2002, which lie above or below the mean high water mark of the Arkansas River, except for the Disclaimed Drybed Lands; and

(C) the Indian Nations do not relinquish any right, title, or interest in any lands or minerals of certain unallotted tracts which are identified in the official records of the Eastern Oklahoma Regional Office, Bureau of Indian Affairs. The disclaimer to be filed

by the Secretary of the Interior under subsection (b)(1) of this section shall reflect the legal description of the unallotted tracts retained by the Nations.

(3) Setoff

In the event the Court of Federal Claims does not enter the consent decree as set forth in subsection (a) of this section, the United States shall be entitled to setoff against any claims of the Indian Nations as set forth in subsection (a) of this section, any funds transferred to the Indian Nations pursuant to section 1779d of this title, and any interest accrued thereon up to the date of setoff.

(4) Quiet title actions

Notwithstanding any other provision of law, neither the United States nor any department of the United States nor the Indian Nations shall be made parties to any quiet title lawsuit or other lawsuit to determine ownership of or an interest in the Disclaimed Drybed Lands initiated by any private person or private entity after execution of the disclaimer set out in subsection (b)(1) of this section. The United States will have no obligation to undertake any future quiet title actions or actions for the recovery of lands or funds relating to any Drybed Lands retained by the Indian Nation or Indian Nations under this subchapter, including any lands which are Wetbed Lands on December 13, 2002, but which subsequently lie above the mean high water mark of the Arkansas River and the failure or declination to initiate any quiet title action or to manage any such Drybed Lands shall not constitute a breach of trust by the United States or be compensable to the Indian Nation or Indian Nations in any manner.

(5) Land to be conveyed in fee

To the extent that the United States determines that it is able to effectively maintain the McClellan-Kerr Navigation Way without retaining title to lands above the high water mark of the Arkansas River as of December 13, 2002, said lands, after being declared surplus, shall be conveyed in fee to the Indian Nation within whose boundary the land is located. The United States shall not be obligated to accept such property in trust.

(c) Authorization for settlement appropriations

There is authorized to be appropriated an aggregate sum of \$40,000,000 as follows:

- (1) \$10,000,000 for fiscal year 2004.
- (2) \$10,000,000 for fiscal year 2005.
- (3) \$10,000,000 for fiscal year 2006.
- (4) \$10,000,000 for fiscal year 2007.

(d) Allocation and deposit of funds

After payment pursuant to section 1779e of this title, the remaining funds authorized for appropriation under subsection (c) of this section shall be allocated among the Indian Nations as follows:

- (1) 50 percent to be deposited into the trust fund account established under section 1779d of this title for the Cherokee Nation.
- (2) 37.5 percent to be deposited into the trust fund account established under section 1779d of this title for the Choctaw Nation.

(3) 12.5 percent to be deposited into the trust fund account established under section 1779d of this title for the Chickasaw Nation.

(Pub. L. 107-331, title VI, § 605, Dec. 13, 2002, 116 Stat. 2848.)

REFERENCES IN TEXT

The Trade and Intercourse Act, referred to in subsection (b)(1)(B) to (D), is not classified to the Code. See sections 177, 179, 180, 193, 194, 201, 229, 230, 251, 263, and 264 of this title.

§ 1779d. Tribal trust funds

(a) Establishment, purpose, and management of trust funds

(1) Establishment

There are hereby established in the United States Treasury 3 separate tribal trust fund accounts for the benefit of each of the Indian Nations, respectively, for the purpose of receiving all appropriations made pursuant to section 1779c(c) of this title, and allocated pursuant to section 1779c(d) of this title.

(2) Availability of amounts in trust fund accounts

Amounts in the tribal trust fund accounts established by this section shall be available to the Secretary for management and investment on behalf of the Indian Nations and distribution to the Indian Nations in accordance with this subchapter. Funds made available from the tribal trust funds under this section shall be available without fiscal year limitation.

(b) Management of funds

(1) Land acquisition

(A) Trust land status pursuant to regulations

The funds appropriated and allocated to the Indian Nations pursuant to section 1779c(c) and (d)¹ of this title, and deposited into trust fund accounts pursuant to subsection (a) of this section, together with any interest earned thereon, may be used for the acquisition of land by the Indian Nations. The Secretary may accept such lands into trust for the beneficiary Indian Nation pursuant to the authority provided in section 465 of this title and in accordance with the Secretary's trust land acquisition regulations at part 151 of title 25, Code of Federal Regulations, in effect at the time of the acquisition, except for those acquisitions covered by paragraph (1)(B).

(B) Required trust land status

Any such trust land acquisitions on behalf of the Cherokee Nation shall be mandatory if the land proposed to be acquired is located within Township 12 North, Range 21 East, in Sequoyah County, Township 11 North, Range 18 East, in McIntosh County, Townships 11 and 12 North, Range 19 East, or Township 12 North, Range 20 East, in Muskogee County, Oklahoma, and not within the limits of any incorporated municipality as of January 1, 2002, if—

¹ See References in Text note below.

(i) the land proposed to be acquired meets the Department of the Interior's minimum environmental standards and requirements for real estate acquisitions set forth in 602 DM 2.6, or any similar successor standards or requirements for real estate acquisitions in effect on the date of acquisition; and

(ii) the title to such land meets applicable Federal title standards in effect on the date of the acquisition.

(C) Other expenditure of funds

The Indian Nations may elect to expend all or a portion of the funds deposited into its trust account for any other purposes authorized under paragraph (2).

(2) Investment of trust funds; no per capita payment

(A) No per capita payments

No money received by the Indian Nations hereunder may be used for any per capita payment.

(B) Investment by Secretary

Except as provided in this section and section 1779e of this title, the principal of such funds deposited into the accounts established hereunder and any interest earned thereon shall be invested by the Secretary in accordance with current laws and regulations for the investing of tribal trust funds.

(C) Use of principal funds

The principal amounts of said funds and any amounts earned thereon shall be made available to the Indian Nation for which the account was established for expenditure for purposes which may include construction or repair of health care facilities, law enforcement, cultural or other educational activities, economic development, social services, and land acquisition. Land acquisition using such funds shall be subject to the provisions of subsections (b) and (d).²

(3) Disbursement of funds

The Secretary shall disburse the funds from a trust account established under this section pursuant to a budget adopted by the Council or Legislature of the Indian Nation setting forth the amount and an intended use of such funds.

(4) Additional restriction on use of funds

None of the funds made available under this subchapter may be allocated or otherwise assigned to authorized purposes of the Arkansas River Multipurpose Project as authorized by the River and Harbor Act of 1946,¹ as amended by the Flood Control Act of 1948 and the Flood Control Act of 1950.

(Pub. L. 107-331, title VI, §606, Dec. 13, 2002, 116 Stat. 2851.)

REFERENCES IN TEXT

Section 1779c(c) and (d) of this title, referred to in subsec. (b)(1)(A), was in the original "sections 205(c) and (d)" and was translated as reading "section 605(c)

and (d)", meaning section 605(c) and (d) of Pub. L. 107-331, to reflect the probable intent of Congress.

The River and Harbor Act of 1946, as amended by the Flood Control Act of 1948 and the Flood Control Act of 1950, referred to in subsec. (b)(4), probably means the act July 24, 1946, ch. 596, 60 Stat. 641, known as the Flood Control Act of 1946, as amended by act June 30, 1948, ch. 771, title II, 62 Stat. 1175, and act May 17, 1950, ch. 188, title II, 64 Stat. 170. For complete classification of these acts to the Code, see Tables.

§ 1779e. Attorney fees

(a) Payment

At the time the funds are paid to the Indian Nations, from funds authorized to be appropriated pursuant to section 1779c(c) of this title, the Secretary shall pay to the Indian Nations' attorneys those fees provided for in the individual tribal attorney fee contracts as approved by the respective Indian Nations.

(b) Limitations

Notwithstanding subsection (a) of this section, the total fees payable to attorneys under such contracts with an Indian Nation shall not exceed 10 percent of that Indian Nation's allocation of funds appropriated under section 1779c(c) of this title.

(Pub. L. 107-331, title VI, §607, Dec. 13, 2002, 116 Stat. 2852.)

§ 1779f. Release of other tribal claims and filing of claims

(a) Extinguishment of other tribal claims

(1) In general

As of December 13, 2002—

(A) all right, title, and interest of any Indian nation or tribe other than any Indian Nation defined in section 1779b of this title (referred to in this section and section 1779g of this title as a "claimant tribe") in or to the Disclaimed Drybed Lands, and any such right, title, or interest held by the United States on behalf of such a claimant tribe, shall be considered to be extinguished in accordance with section 177 of title 25;

(B) if any party other than a claimant tribe holds transferred interests in or to the Disclaimed Drybed Lands in violation of section 177 of title 25, Congress approves and ratifies those transfers of interests to the extent that the transfers are in accordance with other applicable law; and

(C) the documents described in section 1779c(b)(1)(D) of this title shall serve to identify the geographic scope of the interests extinguished by subparagraph (A).

(2) Quiet title actions

(A) In general

Notwithstanding any other provision of law, after December 13, 2002, neither the United States (or any department or agency of the United States) nor any Indian Nation shall be included as a party to any civil action brought by any private person or private entity to quiet title to, or determine ownership of an interest in or to, the Disclaimed Drybed Lands.

(B) Future actions

As of December 13, 2002, the United States shall have no obligation to bring any civil

²So in original. This section does not contain a subsection (d).

action to quiet title to, or to recover any land or funds relating to, the Drybed Lands (including any lands that are Wetbed Lands as of December 13, 2002, but that are located at any time after that date above the mean high water mark of the Arkansas River).

(C) No breach of trust

The failure or declination by the United States to initiate any civil action to quiet title to or manage any Drybed Lands under this paragraph shall not—

- (i) constitute a breach of trust by the United States; or
- (ii) be compensable to a claimant tribe in any manner.

(b) Claims of other Indian tribes

(1) Limited period for filing claims

(A) In general

Not later than 180 days after December 13, 2002, any claimant tribe that claims that any title, interest, or entitlement held by the claimant tribe has been extinguished by operation of section 1779c(a) of this title or subsection (a) of this section may file a claim against the United States relating to the extinguishment in the United States Court of Federal Claims.

(B) Failure to file

After the date described in subparagraph (A), a claimant tribe described in that subparagraph shall be barred from filing any claim described in that subparagraph.

(2) Special holding account

(A) Establishment

There is established in the Treasury, in addition to the accounts established by section 1779d(a) of this title, an interest-bearing special holding account for the benefit of the Indian Nations.

(B) Deposits

Notwithstanding any other provision of this subchapter or any other law, of any funds that would otherwise be deposited in a tribal trust account established by section 1779d(a) of this title, 10 percent shall—

- (i) be deposited in the special holding account established by subparagraph (A); and
- (ii) be held in that account for distribution under paragraph (3).

(3) Distribution of funds

(A) In general

Funds deposited in the special holding account established by paragraph (2)(A) shall be distributed in accordance with subparagraphs (B) through (D).

(B) Claim filed

If a claim under paragraph (1)(A) is filed by the deadline specified in that paragraph, on final adjudication of that claim—

- (i) if the final judgment awards to a claimant an amount that does not exceed the amount of funds in the special holding account under paragraph (2) attributable to the Indian Nation from the allocation of which under section 1779c(d) of this title

the funds in the special holding account are derived—

(I) that amount shall be distributed from the special holding account to the claimant tribe that filed the claim; and

(II) any remaining amount in the special holding account attributable to the claim shall be transferred to the appropriate tribal trust account for the Indian Nation established by section 1779d(a) of this title; and

(ii) if the final judgment awards to a claimant an amount that exceeds the amount of funds in the special holding account attributable to the Indian Nation from the allocation of which under section 1779c(d) of this title the funds in the special holding account are derived—

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

(II) payment of the remainder of the judgment amount awarded to the claimant tribe shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31.

(C) No claims filed

If no claims under paragraph (1)(A) are filed by the deadline specified in that paragraph—

(i) any funds held in the special holding account under paragraph (2) and attributed to that Indian Nation shall be deposited in the appropriate tribal trust account established by section 1779d(a)¹ of this title; and

(ii) after the date that is 180 days after December 13, 2002, paragraph (2)(B) shall not apply to appropriations attributed to that Indian Nation.

(c) Declaration with respect to scope of rights, title, and interests

Congress declares that—

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

(2) nothing in this section acknowledges, enhances, or establishes any prior right, title, or interest of any claimant tribe in or to the Arkansas Riverbed.

(Pub. L. 107-331, title VI, § 608, Dec. 13, 2002, 116 Stat. 2852.)

REFERENCES IN TEXT

Section 1779d(a) of this title, referred to in subsec. (b)(3)(C)(i), was in the original “section 6(a)” and was translated as reading “section 606(a)”, meaning section 606(a) of Pub. L. 107-331, to reflect the probable intent of Congress, because Pub. L. 107-331 does not contain a section 6, and section 1779d(a) establishes three tribal trust fund accounts.

§ 1779g. Effect on claims

This subchapter shall not be construed to resolve any right, title, or interest of any Indian nation or of any claimant tribe, except their past, present, or future claims relating to right,

¹ See References in Text note below.

title, or interest in or to the Riverbed and the obligations and liabilities of the United States thereto.

(Pub. L. 107-331, title VI, §609, Dec. 13, 2002, 116 Stat. 2855.)

SUBCHAPTER XIV—PUEBLO DE SAN ILDEFONSO CLAIMS SETTLEMENT

§ 1780. Definitions and purposes

(a) Definitions

In this subchapter:

(1) **Administrative access**

The term “administrative access” means the unrestricted use of land and interests in land for ingress and egress by an agency of the United States (including a permittee, contractor, agent, or assignee of the United States) in order to carry out an activity authorized by law or regulation, or otherwise in furtherance of the management of federally-owned land and resources.

(2) **County**

The term “County” means the incorporated county of Los Alamos, New Mexico.

(3) **Los Alamos Agreement**

The term “Los Alamos Agreement” means the agreement among the County, the Pueblo, the Department of Agriculture Forest Service, and the Bureau of Indian Affairs dated January 22, 2004.

(4) **Los Alamos Townsite Land**

“Los Alamos Townsite Land” means the land identified as Attachment B (dated December 12, 2003) to the Los Alamos Agreement.

(5) **Northern Tier Land**

“Northern Tier Land” means the land comprising approximately 739.71 acres and identified as “Northern Tier Lands” in Appendix B (dated August 3, 2004) to the Settlement Agreement.

(6) **Pending Litigation**

The term “Pending Litigation” means the case styled Pueblo of San Ildefonso v. United States, Docket Number 354, originally filed with the Indian Claims Commission and pending in the United States Court of Federal Claims on September 27, 2006.

(7) **Pueblo**

The term “Pueblo” means the Pueblo de San Ildefonso, a federally recognized Indian tribe (also known as the “Pueblo of San Ildefonso”).

(8) **Settlement Agreement**

The term “Settlement Agreement” means the agreement entitled “Settlement Agreement between the United States and the Pueblo de San Ildefonso to Resolve All of the Pueblo’s Land Title and Trespass Claims” and dated June 7, 2005.

(9) **Settlement Area Land**

The term “Settlement Area Land” means the National Forest System land located within the Santa Fe National Forest, as described in Appendix B to the Settlement Agreement,

that is available for purchase by the Pueblo under section 9(a) of the Settlement Agreement.

(10) **Settlement Fund**

The term “Settlement Fund” means the Pueblo de San Ildefonso Land Claims Settlement Fund established by section 1780d of this title.

(11) **Sisk Act**

The term “Sisk Act” means Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(12) **Water System Land**

The term “Water System Land” means the federally-owned land located within the Santa Fe National Forest to be conveyed to the County under the Los Alamos Agreement.

(b) **Purposes**

The purposes of this subchapter are—

(1) to finally dispose, as set forth in sections 1780b and 1780c of this title, of all rights, claims, or demands that the Pueblo has asserted or could have asserted against the United States with respect to any and all claims in the Pending Litigation;

(2) to extinguish claims based on aboriginal title, Indian title, or recognized title, or any other title claims under section 1780c of this title;

(3) to authorize the Pueblo to acquire the Settlement Area Land, and to authorize the Secretary of Agriculture to convey the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land for market value consideration, and for such consideration to be paid to the Secretary of Agriculture for the acquisition of replacement National Forest land elsewhere in New Mexico;

(4) to provide that the Settlement Area Land acquired by the Pueblo shall be held by the Secretary of the Interior in trust for the benefit of the Pueblo;

(5) to facilitate government-to-government relations between the United States and the Pueblo regarding cooperation in the management of certain land administered by the National Park Service and the Bureau of Land Management as described in sections 7 and 8 of the Settlement Agreement;

(6) to ratify the Settlement Agreement; and,

(7) to ratify the Los Alamos Agreement.

(Pub. L. 109-286, §2, Sept. 27, 2006, 120 Stat. 1218.)

REFERENCES IN TEXT

The Sisk Act, referred to in subsec. (a)(11), is Pub. L. 90-171, Dec. 4, 1967, 81 Stat. 531, which is classified to section 484a of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 484a of Title 16 and Tables.

SHORT TITLE

Pub. L. 109-286, §1, Sept. 27, 2006, 120 Stat. 1218, provided that: “This Act [enacting this subchapter] may be cited as the ‘Pueblo de San Ildefonso Claims Settlement Act of 2005’.”

§ 1780a. Ratification of agreements

(a) **Ratification**

The Settlement Agreement and Los Alamos Agreement are ratified under Federal law, and