

## Calendar No. 489

112TH CONGRESS  
2D SESSION**S. 1065****[Report No. 112-199]**

To settle land claims within the Fort Hall Reservation.

## IN THE SENATE OF THE UNITED STATES

MAY 25, 2011

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

AUGUST 2, 2012

Reported by Mr. AKAKA, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

**A BILL**

To settle land claims within the Fort Hall Reservation.

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 “Blackfoot River Land  
 5 Settlement Act of 2011”.

6 **SEC. 2. FINDINGS; PURPOSES.**

7       (a) ~~FINDINGS.~~—Congress finds that—

1           (1) it is the policy of the United States to pro-  
2           mote tribal self-determination and economic self-suf-  
3           ficiency and encourage the resolution of disputes  
4           over historical claims through mutually agreed-upon  
5           settlements between Indian tribes and the United  
6           States;

7           (2) the Shoshone-Bannock Tribes, a federally  
8           recognized Indian tribe with tribal headquarters at  
9           Fort Hall, Idaho—

10                   (A) adopted a tribal constitution and by-  
11                   laws on March 31, 1936, that were approved by  
12                   the Secretary of the Interior on April 30, 1936,  
13                   pursuant to the Act of June 18, 1934 (25  
14                   U.S.C. 461 et seq.) (commonly known as the  
15                   “Indian Reorganization Act”);

16                   (B) has entered into various treaties with  
17                   the United States, including the Second Treaty  
18                   of Fort Bridger, executed on July 3, 1868; and

19                   (C) has maintained a continuous govern-  
20                   ment-to-government relationship with the  
21                   United States since the earliest years of the  
22                   Union;

23           (3)(A) in 1867, President Andrew Johnson des-  
24           ignated by Executive order the Fort Hall Reserva-

1 tion for various bands of Shoshone and Bannock In-  
 2 dians;

3 (B) the Reservation is located near the cities of  
 4 Blackfoot and Pocatello in southeastern Idaho; and

5 (C) article 4 of the Second Treaty of Fort  
 6 Bridger secured the Reservation as a “permanent  
 7 home” for the Shoshone-Bannock Tribes;

8 (4)(A) according to the Executive order referred  
 9 to in paragraph (3)(A), the Blackfoot River, as the  
 10 river existed in its natural state—

11 (i) is the northern boundary of the Res-  
 12 ervation; and

13 (ii) flows in a westerly direction along that  
 14 northern boundary; and

15 (B) within the Reservation, land use in the  
 16 River watershed is dominated by—

17 (i) rangeland;

18 (ii) dry and irrigated farming; and

19 (iii) residential development;

20 (5)(A) in 1964, the Corps of Engineers com-  
 21 pleted a local flood protection project on the River—

22 (i) authorized by section 204 of the Flood  
 23 Control Act of 1950 (64 Stat. 170); and

24 (ii) sponsored by the Blackfoot River Flood  
 25 Control District No. 7;

1           (B) the project consisted of building levees, re-  
 2           placing irrigation diversion structures, replacing  
 3           bridges, and channel realignment; and

4           (C) the channel realignment portion of the  
 5           project severed various parcels of land located con-  
 6           tiguous to the River along the boundary of the Res-  
 7           ervation, resulting in Indian land being located  
 8           north of the Realigned River and non-Indian land  
 9           being located south of the Realigned River;

10           (6) beginning in 1999, the Cadastral Survey  
 11           Office of the Bureau of Land Management con-  
 12           ducted surveys of—

13                   (A) 25 parcels of Indian land; and

14                   (B) 19 parcels of non-Indian land;

15           (7) many non-Indian landowners and non-Indi-  
 16           ans acquiring Indian land have filed claims in the  
 17           Snake River Basin Adjudication seeking water rights  
 18           that included a place of use on Indian land; and

19           (8) the enactment of this Act and the distribu-  
 20           tion of funds in accordance with section 12(b) would  
 21           represent an agreement among—

22                   (A) the Tribes;

23                   (B) the allottees;

24                   (C) the non-Indians acquiring Indian land;

25           and

1                   (D) the non-Indian landowners.

2           (b) PURPOSES.—The purposes of this Act are—

3                   (1) to resolve the disputes resulting from re-  
4 alignment of the River by the Corps of Engineers  
5 during calendar year 1964 pursuant to the project  
6 described in subsection (a)(5)(A); and

7                   (2) to achieve a fair, equitable, and final settle-  
8 ment of all claims and potential claims arising from  
9 those disputes.

10 **SEC. 3. DEFINITIONS.**

11           In this Act:

12                   (1) ALLOTTEE.—The term “allottee” means an  
13 heir of an original allottee of the Reservation who  
14 owns an interest in a parcel of land that is—

15                           (A) held in trust by the United States for  
16 the benefit of the allottee; and

17                           (B) located north of the Realigned River  
18 within the exterior boundaries of the Reserva-  
19 tion.

20                   (2) INDIAN LAND.—The term “Indian land”  
21 means any parcel of land that is—

22                           (A) held in trust by the United States for  
23 the benefit of the Tribes or the allottees;

24                           (B) located north of the Realigned River;  
25 and

1           (C) identified in exhibit A of the survey of  
 2           the Bureau of Land Management entitled “Sur-  
 3           vey of the Blackfoot River of 2002 to 2005”,  
 4           which is located at—

5                   (i) the Fort Hall Indian Agency office  
 6                   of the Bureau of Indian Affairs; and

7                   (ii) the Blackfoot River Flood Control  
 8                   District No. 7, 75 East Judicial, Black-  
 9                   foot, Idaho.

10           (3) NON-INDIAN ACQUIRING INDIAN LAND.—

11           The term “non-Indian acquiring Indian land” means  
 12           any individual or entity that—

13                   (A) has acquired or plans to acquire In-  
 14                   dian land; and

15                   (B) is included on the list contained in ex-  
 16                   hibit C, which is located at the areas described  
 17                   in clauses (i) and (ii) of paragraph (2)(C).

18           (4) NON-INDIAN LAND.—The term “non-Indian  
 19           land” means any parcel of fee land that is—

20                   (A) located south of the Realigned River;  
 21                   and

22                   (B) identified in exhibit B, which is located  
 23                   at the areas described in clauses (i) and (ii) of  
 24                   paragraph (2)(C).

1           (5) NON-INDIAN LANDOWNER.—The term  
2           “non-Indian landowner” means any individual who  
3           holds fee title to non-Indian land.

4           (6) REALIGNED RIVER.—The term “Realigned  
5           River” means that portion of the River that was re-  
6           aligned by the Corps of Engineers during calendar  
7           year 1964 pursuant to the project described in sec-  
8           tion 2(a)(5)(A).

9           (7) RESERVATION.—The term “Reservation”  
10          means the Fort Hall Reservation established by Ex-  
11          ecutive order during calendar year 1867 and con-  
12          firmed by treaty during calendar year 1868.

13          (8) RIVER.—The term “River” means the  
14          Blackfoot River located in the State of Idaho.

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

17          (10) TRIBES.—The term “Tribes” means the  
18          Shoshone-Bannock Tribes.

19   **SEC. 4. RELEASE OF CLAIMS TO CERTAIN INDIAN AND NON-**  
20                                   **INDIAN OWNED LANDS.**

21          (a) RELEASE OF CLAIMS.—On the deposit of all  
22          amounts into the tribal trust fund account and the allottee  
23          trust fund account under section 7 and the disbursement  
24          to non-Indian landowners under section 12—

1           (1) all existing and future claims with respect  
2           to the Indian land and the non-Indian land and all  
3           right, title, and interest that the Tribes, allottees,  
4           non-Indians acquiring Indian land, and non-Indian  
5           landowners may have had to that land shall be extin-  
6           guished;

7           (2) any interest of the Tribes, the allottees, or  
8           the United States, acting as trustee for the Tribes  
9           or allottees, in the Indian land shall be extinguished  
10          under section 2116 of the Revised Statutes (com-  
11          monly known as the “Indian Trade and Intercourse  
12          Act”) (25 U.S.C. 177);

13          (3) to the extent any interest in non-Indian  
14          land transferred into trust pursuant to section 5 vio-  
15          lates section 2116 of the Revised Statutes (com-  
16          monly known as the “Indian Trade and Intercourse  
17          Act”) (25 U.S.C. 177), that transfer shall be valid,  
18          subject to the condition that the transfer is con-  
19          sistent with all other applicable Federal laws; and

20          (4) the Tribes, allottees, and non-Indian land-  
21          owners waive and release all claims that the Tribes,  
22          allottees, and non-Indian landowners may have as-  
23          serted against the United States arising out of any  
24          interest in the Indian land or non-Indian owned land



1 affected by the realignment of the Blackfoot River  
2 by the Corp of Engineers.

3 (b) DOCUMENTATION.—The Secretary is authorized  
4 to execute and file any appropriate documents (including  
5 a plat or map of the transferred Indian land) that are suit-  
6 able for filing with the Bingham County clerk or other  
7 appropriate county official, as the Secretary determines  
8 necessary to carry out this Act.

9 **SEC. 5. LAND TO BE PLACED INTO TRUST FOR TRIBES.**

10 Effective beginning on the date on which the amounts  
11 appropriated pursuant to section 12 are distributed in ac-  
12 cordance with that section to the Blackfoot River Flood  
13 Control District No. 7, the non-Indian land shall be con-  
14 sidered to be held in trust by the United States for the  
15 benefit of the Tribes.

16 **SEC. 6. TRUST LAND TO BE CONVERTED TO FEE LAND.**

17 Effective beginning on the date on which the amounts  
18 appropriated pursuant to section 12 are distributed in ac-  
19 cordance with that section to the tribal trust fund account  
20 and the allottee trust account, the Indian land shall be  
21 transferred to the Blackfoot River Flood Control District  
22 No. 7 for conveyance to the non-Indians acquiring Indian  
23 land.

1 **SEC. 7. TRIBAL TRUST FUND ACCOUNT AND ALLOTTEE**  
2 **TRUST ACCOUNT.**

3 (a) **TRIBAL TRUST FUND ACCOUNT.—**

4 (1) **ESTABLISHMENT.—**There is established in  
5 the Treasury of the United States an account, to be  
6 known as the “tribal trust fund account”, consisting  
7 of such amounts as are deposited in the account  
8 under section 12(b)(1).

9 (2) **INVESTMENT.—**The Secretary of the Treas-  
10 ury shall invest amounts in the tribal trust fund ac-  
11 ount for the benefit of the Tribes, in accordance  
12 with applicable laws and regulations.

13 (3) **DISTRIBUTION.—**The Secretary of the  
14 Treasury shall distribute amounts in the tribal trust  
15 fund account to the Tribes pursuant to a budget  
16 adopted by the Tribes that describes—

17 (A) the amounts required by the Tribes;  
18 and

19 (B) the intended uses of the amounts, in  
20 accordance with paragraph (4).

21 (4) **USE OF FUNDS.—**The Tribes may use  
22 amounts in the tribal trust fund account (including  
23 interest earned on those amounts), without fiscal  
24 year limitation, for activities relating to—

25 (A) construction of a natural resources fa-  
26 cility;

- 1           ~~(B)~~ water resources needs;  
 2           ~~(C)~~ economic development;  
 3           ~~(D)~~ land acquisition; and  
 4           ~~(E)~~ such other purposes as the Tribes de-  
 5           termine to be appropriate.

6           ~~(b)~~ ALLOTTEE TRUST ACCOUNT.—

7           ~~(1)~~ ESTABLISHMENT.—There is established in  
 8           the Treasury of the United States an account, to be  
 9           known as the “allottee trust account”, consisting of  
 10          such amounts as are deposited in the account under  
 11          section 12(b)(2).

12          ~~(2)~~ DEPOSIT INTO IMS.—Not later than 60  
 13          days after the date on which amounts are deposited  
 14          in the allottee trust account under section 12(b)(2),  
 15          the Secretary of the Treasury shall deposit the  
 16          amounts into individual Indian money accounts for  
 17          the allottees.

18          ~~(3)~~ INVESTMENT.—The Secretary of the Treas-  
 19          ury shall invest amounts in the individual Indian  
 20          money accounts under paragraph (2) in accordance  
 21          with applicable laws and regulations.

22   **SEC. 8. ATTORNEYS FEES.**

23          ~~(a)~~ IN GENERAL.—Subject to subsection (b), of the  
 24          amounts appropriated pursuant to section 12(a), the Sec-  
 25          retary shall pay to the attorneys of the Tribes and the

1 non-Indian landowners such attorneys fees as are ap-  
 2 proved by the Tribes and the non-Indian landowners.

3 (b) **LIMITATION.**—The total amount of attorneys fees  
 4 paid by the Secretary under subsection (a) shall not exceed  
 5 \$35,000 of the amounts distributed to the Tribes,  
 6 allottees, and the non-Indian landowners under section  
 7 12(b).

8 **SEC. 9. EFFECT ON ORIGINAL RESERVATION BOUNDARY.**

9 Nothing in this Act affects the original boundary of  
 10 the Reservation, as established by Executive order during  
 11 calendar year 1867 and confirmed by treaty during cal-  
 12 endar year 1868.

13 **SEC. 10. EFFECT ON TRIBAL WATER RIGHTS.**

14 Nothing in this Act extinguishes or conveys any water  
 15 right of the Tribes, as established in the agreement enti-  
 16 tled “1990 Fort Hall Indian Water Rights Agreement”  
 17 and ratified by section 4 of the Fort Hall Indian Water  
 18 Rights Act of 1990 (Public Law 101–602; 104 Stat.  
 19 3060).

20 **SEC. 11. DISCLAIMERS REGARDING CLAIMS.**

21 Nothing in this Act—

22 (1) affects in any manner the sovereign claim  
 23 of the State of Idaho to title in and to the beds and  
 24 banks of the River under the equal footing doctrine  
 25 of the Constitution of the United States;

1           (2) affects any action by the State of Idaho to  
 2           establish that title under section 2409a of title 28,  
 3           United States Code (commonly known as the “Quiet  
 4           Title Act”);

5           (3) affects the ability of the Tribes or the  
 6           United States to claim ownership of the beds and  
 7           banks of the River; or

8           (4) extinguishes or conveys any water rights of  
 9           non-Indian landowners or the claims of such land-  
 10          owners to water rights in the Snake River Basin Ad-  
 11          judication.

12 **SEC. 12. FUNDING.**

13          (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
 14          authorized to be appropriated to carry out this Act  
 15          \$700,000.

16          (b) DISTRIBUTION.—After the date on which all at-  
 17          torneys fees are paid under section 8, the amount appro-  
 18          priated pursuant to subsection (a) shall be distributed  
 19          among the Tribes, the allottees, and the Blackfoot River  
 20          Flood Control District No. 7 as follows:

21                 (1) \$263,406 shall be deposited in the tribal  
 22                 trust fund account established by section 7(a)(1).

23                 (2) \$230,489 shall be deposited in the allottee  
 24                 trust account established by section 7(b)(1).

1           (2) \$165,550 shall be provided to the Blackfoot  
2 River Flood Control District No. 7 for—

3           (A) distribution to the non-Indian land-  
4 owners on a pro rata, per-acre basis; and

5           (B) associated administrative expenses.

6           (c) REMAINING AMOUNTS.—Any amounts remaining  
7 after the distributions under subsection (b) and section 8  
8 shall be—

9           (1) split equally between the Blackfoot River  
10 Flood Control District No. 7 and the Tribes; and

11           (2) used by the Blackfoot River Flood Control  
12 District No. 7 and the Tribes for administrative ex-  
13 penses.

14           (d) PER CAPITA PAYMENTS PROHIBITED.—No  
15 amount received by the Tribes under this Act shall be dis-  
16 tributed to a member of the Tribes on a per capita basis.

17 **SEC. 13. EFFECTIVE DATE.**

18           This Act takes effect on the date on which the  
19 amount described in section 12(a) is appropriated.

20 **SECTION 1. SHORT TITLE.**

21           This Act may be cited as the “Blackfoot River Land  
22 Settlement Act of 2012”.

23 **SEC. 2. FINDINGS; PURPOSES.**

24           (a) FINDINGS.—Congress finds that—

1           (1) *it is the policy of the United States to pro-*  
2  *mote tribal self-determination and economic self-suffi-*  
3  *ciency and encourage the resolution of disputes over*  
4  *historical claims through mutually agreed-upon settle-*  
5  *ments between Indian tribes and the United States;*

6           (2) *the Shoshone-Bannock Tribes, a federally rec-*  
7  *ognized Indian tribe with tribal headquarters at Fort*  
8  *Hall, Idaho—*

9           (A) *adopted a tribal constitution and by-*  
10  *laws on March 31, 1936, that were approved by*  
11  *the Secretary of the Interior on April 30, 1936,*  
12  *pursuant to the Act of June 18, 1934 (25 U.S.C.*  
13  *461 et seq.) (commonly known as the “Indian*  
14  *Reorganization Act”);*

15           (B) *has entered into various treaties with*  
16  *the United States, including the Second Treaty*  
17  *of Fort Bridger, executed on July 3, 1868; and*

18           (C) *has maintained a continuous govern-*  
19  *ment-to-government relationship with the United*  
20  *States since the earliest years of the Union;*

21           (3)(A) *in 1867, President Andrew Johnson des-*  
22  *ignated by Executive order the Fort Hall Reservation*  
23  *for various bands of Shoshone and Bannock Indians;*

24           (B) *the Reservation is located near the cities of*  
25  *Blackfoot and Pocatello in southeastern Idaho; and*

1           (C) *article 4 of the Second Treaty of Fort*  
2 *Bridger secured the Reservation as a “permanent*  
3 *home” for the Shoshone-Bannock Tribes;*

4           (4)(A) *according to the Executive order referred*  
5 *to in paragraph (3)(A), the Blackfoot River, as the*  
6 *river existed in its natural state—*

7                 (i) *is the northern boundary of the Reserva-*  
8 *tion; and*

9                 (ii) *flows in a westerly direction along that*  
10 *northern boundary; and*

11           (B) *within the Reservation, land use in the*  
12 *River watershed is dominated by—*

13                 (i) *rangeland;*

14                 (ii) *dry and irrigated farming; and*

15                 (iii) *residential development;*

16           (5)(A) *in 1964, the Corps of Engineers completed*  
17 *a local flood protection project on the River—*

18                 (i) *authorized by section 204 of the Flood*  
19 *Control Act of 1950 (64 Stat. 170); and*

20                 (ii) *sponsored by the Blackfoot River Flood*  
21 *Control District No. 7;*

22           (B) *the project consisted of building levees, re-*  
23 *placing irrigation diversion structures, replacing*  
24 *bridges, and channel realignment; and*



1           (C) the channel realignment portion of the  
 2           project severed various parcels of land located contig-  
 3           uous to the River along the boundary of the Reserva-  
 4           tion, resulting in Indian land being located north of  
 5           the Realigned River and non-Indian land being lo-  
 6           cated south of the Realigned River;

7           (6) beginning in 1999, the Cadastral Survey Of-  
 8           fice of the Bureau of Land Management conducted  
 9           surveys of—

10                   (A) 25 parcels of Indian land; and

11                   (B) 19 parcels of non-Indian land;

12           (7) many non-Indian landowners and non-Indi-  
 13           ans acquiring Indian land have filed claims in the  
 14           Snake River Basin Adjudication seeking water rights  
 15           that included a place of use on Indian land; and

16           (8) the enactment of this Act and the distribu-  
 17           tion of funds in accordance with section 12(b) would  
 18           represent an agreement among—

19                   (A) the Tribes;

20                   (B) the allottees;

21                   (C) the non-Indians acquiring Indian land;

22                   and

23                   (D) the non-Indian landowners.

24           (b) PURPOSES.—The purposes of this Act are—

1           (1) *to resolve the disputes resulting from realign-*  
 2           *ment of the River by the Corps of Engineers during*  
 3           *calendar year 1964 pursuant to the project described*  
 4           *in subsection (a)(5)(A); and*

5           (2) *to achieve a fair, equitable, and final settle-*  
 6           *ment of all claims and potential claims arising from*  
 7           *those disputes.*

8 **SEC. 3. DEFINITIONS.**

9 *In this Act:*

10           (1) *ALLOTTEE.*—*The term “allottee” means an*  
 11           *heir of an original allottee of the Reservation who*  
 12           *owns an interest in a parcel of land that is—*

13                   (A) *held in trust by the United States for*  
 14                   *the benefit of the allottee; and*

15                   (B) *located north of the Realigned River*  
 16                   *within the exterior boundaries of the Reserva-*  
 17                   *tion.*

18           (2) *INDIAN LAND.*—*The term “Indian land”*  
 19           *means any parcel of land that is—*

20                   (A) *held in trust by the United States for*  
 21                   *the benefit of the Tribes or the allottees;*

22                   (B) *located north of the Realigned River;*  
 23                   *and*

24                   (C) *identified in exhibit A of the survey of*  
 25                   *the Bureau of Land Management entitled “Sur-*

1            *vey of the Blackfoot River of 2002 to 2005”,*  
2            *which is located at—*

3                    *(i) the Fort Hall Indian Agency office*  
4                    *of the Bureau of Indian Affairs; and*

5                    *(ii) the Blackfoot River Flood Control*  
6                    *District No. 7, 75 East Judicial, Blackfoot,*  
7                    *Idaho.*

8            *(3) NON-INDIAN ACQUIRING INDIAN LAND.—The*  
9            *term “non-Indian acquiring Indian land” means any*  
10           *individual or entity that—*

11                    *(A) has acquired or plans to acquire Indian*  
12                    *land; and*

13                    *(B) is included on the list contained in ex-*  
14                    *hibit C, which is located at the areas described*  
15                    *in clauses (i) and (ii) of paragraph (2)(C).*

16            *(4) NON-INDIAN LAND.—The term “non-Indian*  
17            *land” means any parcel of fee land that is—*

18                    *(A) located south of the Realigned River;*  
19                    *and*

20                    *(B) identified in exhibit B, which is located*  
21                    *at the areas described in clauses (i) and (ii) of*  
22                    *paragraph (2)(C).*

23            *(5) NON-INDIAN LANDOWNER.—The term “non-*  
24            *Indian landowner” means any individual who holds*  
25            *fee title to non-Indian land.*

1           (6) *REALIGNED RIVER.*—The term “*Realigned*  
2 *River*” means that portion of the River that was re-  
3 *aligned by the Corps of Engineers during calendar*  
4 *year 1964 pursuant to the project described in section*  
5 *2(a)(5)(A).*

6           (7) *RESERVATION.*—The term “*Reservation*”  
7 *means the Fort Hall Reservation established by Exec-*  
8 *utive order during calendar year 1867 and confirmed*  
9 *by treaty during calendar year 1868.*

10          (8) *RIVER.*—The term “*River*” means the *Black-*  
11 *foot River located in the State of Idaho.*

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

14          (10) *TRIBES.*—The term “*Tribes*” means the  
15 *Shoshone-Bannock Tribes.*

16 **SEC. 4. RELEASE OF CLAIMS TO CERTAIN INDIAN AND NON-**  
17 **INDIAN OWNED LANDS.**

18          (a) *RELEASE OF CLAIMS.*—On the deposit of all  
19 *amounts into the tribal trust fund account and the allottee*  
20 *trust fund account under section 7 and the disbursement*  
21 *to non-Indian landowners under section 12—*

22               (1) *all existing and future claims with respect to*  
23 *the Indian land and the non-Indian land and all*  
24 *right, title, and interest that the Tribes, allottees, non-*  
25 *Indians acquiring Indian land, and non-Indian*

1        *landowners may have had to that land shall be extin-*  
2        *guished;*

3            *(2) any interest of the Tribes, the allottees, or the*  
4        *United States, acting as trustee for the Tribes or*  
5        *allottees, in the Indian land shall be extinguished*  
6        *under section 2116 of the Revised Statutes (commonly*  
7        *known as the “Indian Trade and Intercourse Act”)*  
8        *(25 U.S.C. 177);*

9            *(3) to the extent any interest in non-Indian land*  
10       *transferred into trust pursuant to section 5 violates*  
11       *section 2116 of the Revised Statutes (commonly*  
12       *known as the “Indian Trade and Intercourse Act”)*  
13       *(25 U.S.C. 177), that transfer shall be valid, subject*  
14       *to the condition that the transfer is consistent with all*  
15       *other applicable Federal laws; and*

16           *(4) the Tribes, allottees, and non-Indian land-*  
17       *owners waive and release all claims that the Tribes,*  
18       *allottees, and non-Indian landowners may have as-*  
19       *serted against the United States arising out of any*  
20       *interest in the Indian land or non-Indian owned land*  
21       *affected by the realignment of the Blackfoot River by*  
22       *the Corp of Engineers.*

23           *(b) DOCUMENTATION.—On the deposit of all amounts*  
24       *into the tribal trust fund account and the allottee trust fund*  
25       *account under section 7 and the disbursement to non-In-*

1 *dian landowners under section 12, the Secretary is author-*  
 2 *ized to execute and file any appropriate documents (includ-*  
 3 *ing a plat or map of the transferred Indian land) that are*  
 4 *suitable for filing with the Bingham County clerk or other*  
 5 *appropriate county official, as the Secretary determines*  
 6 *necessary to carry out this Act.*

7 **SEC. 5. LAND TO BE PLACED INTO TRUST FOR TRIBES.**

8 *Effective beginning on the date on which the amounts*  
 9 *appropriated pursuant to section 12 are distributed in ac-*  
 10 *cordance with that section to the Blackfoot River Flood Con-*  
 11 *trol District No. 7, the non-Indian land shall be considered*  
 12 *to be held in trust by the United States for the benefit of*  
 13 *the Tribes.*

14 **SEC. 6. TRUST LAND TO BE CONVERTED TO FEE LAND.**

15 *Effective beginning on the date on which the amounts*  
 16 *appropriated pursuant to section 12 are distributed in ac-*  
 17 *cordance with that section to the tribal trust fund account*  
 18 *and the allottee trust account, the Indian land shall be*  
 19 *transferred to the Blackfoot River Flood Control District*  
 20 *No. 7 for conveyance to the non-Indians acquiring Indian*  
 21 *land.*

22 **SEC. 7. TRIBAL TRUST FUND ACCOUNT AND ALLOTTEE**  
 23 **TRUST ACCOUNT.**

24 *(a) TRIBAL TRUST FUND ACCOUNT.—*

1           (1) *ESTABLISHMENT.*—*There is established in*  
2 *the Treasury of the United States an account, to be*  
3 *known as the “tribal trust fund account”, consisting*  
4 *of such amounts as are deposited in the account*  
5 *under section 12(b)(1).*

6           (2) *INVESTMENT.*—*The Secretary of the Treasury*  
7 *shall invest amounts in the tribal trust fund account*  
8 *for the benefit of the Tribes, in accordance with appli-*  
9 *cable laws and regulations.*

10          (3) *DISTRIBUTION.*—*The Secretary of the Treas-*  
11 *ury shall distribute amounts in the tribal trust fund*  
12 *account to the Tribes pursuant to a budget adopted*  
13 *by the Tribes that describes—*

14                 (A) *the amounts required by the Tribes; and*

15                 (B) *the intended uses of the amounts, in ac-*  
16 *cordance with paragraph (4).*

17          (4) *USE OF FUNDS.*—*The Tribes may use*  
18 *amounts in the tribal trust fund account (including*  
19 *interest earned on those amounts), without fiscal year*  
20 *limitation, for activities relating to—*

21                 (A) *construction of a natural resources fa-*  
22 *cility;*

23                 (B) *water resources needs;*

24                 (C) *economic development;*

25                 (D) *land acquisition; and*

1           (E) such other purposes as the Tribes deter-  
2           mine to be appropriate.

3           (b) *ALLOTTEE TRUST ACCOUNT.*—

4           (1) *ESTABLISHMENT.*—There is established in  
5           the Treasury of the United States an account, to be  
6           known as the “allottee trust account”, consisting of  
7           such amounts as are deposited in the account under  
8           section 12(b)(2).

9           (2) *DEPOSIT INTO IIMS.*—Not later than 60 days  
10          after the date on which amounts are deposited in the  
11          allottee trust account under section 12(b)(2), the Sec-  
12          retary of the Treasury shall deposit the amounts into  
13          individual Indian money accounts for the allottees.

14          (3) *INVESTMENT.*—The Secretary of the Treasury  
15          shall invest amounts in the individual Indian money  
16          accounts under paragraph (2) in accordance with ap-  
17          plicable laws and regulations.

18       **SEC. 8. ATTORNEYS’ FEES.**

19          (a) *IN GENERAL.*—Subject to the limitation under sub-  
20          section (b), of the amounts appropriated pursuant to section  
21          12(a), the Secretary shall pay to the attorneys of the Tribes  
22          and the non-Indian landowners such attorneys’ fees as are  
23          approved by the Tribes and the non-Indian landowners.



1           (b) *LIMITATION.*—*The total amount of attorneys’ fees*  
2 *paid by the Secretary under subsection (a) shall not exceed*  
3 *\$35,000.*

4 **SEC. 9. EFFECT ON ORIGINAL RESERVATION BOUNDARY.**

5           *Nothing in this Act affects the original boundary of*  
6 *the Reservation, as established by Executive order during*  
7 *calendar year 1867 and confirmed by treaty during cal-*  
8 *endar year 1868.*

9 **SEC. 10. EFFECT ON TRIBAL WATER RIGHTS.**

10           *Nothing in this Act extinguishes or conveys any water*  
11 *right of the Tribes, as established in the agreement entitled*  
12 *“1990 Fort Hall Indian Water Rights Agreement” and*  
13 *ratified by section 4 of the Fort Hall Indian Water Rights*  
14 *Act of 1990 (Public Law 101–602; 104 Stat. 3060).*

15 **SEC. 11. DISCLAIMERS REGARDING CLAIMS.**

16           *Nothing in this Act—*

17                   (1) *affects in any manner the sovereign claim of*  
18 *the State of Idaho to title in and to the beds and*  
19 *banks of the River under the equal footing doctrine of*  
20 *the Constitution of the United States;*

21                   (2) *affects any action by the State of Idaho to*  
22 *establish that title under section 2409a of title 28,*  
23 *United States Code (commonly known as the “Quiet*  
24 *Title Act”);*

1           (3) *affects the ability of the Tribes or the United*  
 2           *States to claim ownership of the beds and banks of the*  
 3           *River; or*

4           (4) *extinguishes or conveys any water rights of*  
 5           *non-Indian landowners or the claims of such land-*  
 6           *owners to water rights in the Snake River Basin Ad-*  
 7           *judication.*

8   **SEC. 12. FUNDING.**

9           (a) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
 10          *authorized to be appropriated to carry out this Act*  
 11          *\$700,000.*

12          (b) *DISTRIBUTION.—The amount appropriated pursu-*  
 13          *ant to subsection (a) shall be distributed among the Tribes,*  
 14          *the allottees, the Blackfoot River Flood Control District No.*  
 15          *7, and attorneys as follows:*

16               (1) *\$263,406 shall be deposited in the tribal trust*  
 17               *fund account established by section 7(a)(1).*

18               (2) *\$230,489 shall be deposited in the allottee*  
 19               *trust account established by section 7(b)(1).*

20               (3) *\$165,550 shall be provided to the Blackfoot*  
 21               *River Flood Control District No. 7 for—*

22                       (A) *distribution to the non-Indian land-*  
 23                       *owners on a pro rata, per-acre basis; and*

24                       (B) *associated administrative expenses.*

1           (4) *Not more than \$35,000 shall be made avail-*  
2           *able to the Secretary to distribute to the attorneys of*  
3           *the Tribes and the non-Indian landowners for attor-*  
4           *neys' fees in accordance with section 8.*

5           (5) *Any remaining amounts shall be allocated*  
6           *and used in accordance with subsection (c).*

7           (c) *REMAINING AMOUNTS.—Any remaining amounts*  
8           *after the distributions under paragraphs (1) through (4) of*  
9           *subsection (b) and section 8 shall be—*

10           (1) *split equally between the Blackfoot River*  
11           *Flood Control District No. 7 and the Tribes; and*

12           (2) *used by the Blackfoot River Flood Control*  
13           *District No. 7 and the Tribes for administrative ex-*  
14           *penses.*

15           (d) *PER CAPITA PAYMENTS PROHIBITED.—No amount*  
16           *received by the Tribes under this Act shall be distributed*  
17           *to a member of the Tribes on a per capita basis.*

Calendar No. 489

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1065**

[Report No. 112-199]

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**A BILL**

To settle land claims within the Fort Hall  
Reservation.

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AUGUST 2, 2012

Reported with an amendment