

113TH CONGRESS
2^D SESSION

H. R. 4350

To direct the Secretary of the Interior to take lands and mineral rights on the reservation of the Northern Cheyenne Tribe of Montana and other culturally important lands into trust, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2014

Mr. DAINES introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To direct the Secretary of the Interior to take lands and mineral rights on the reservation of the Northern Cheyenne Tribe of Montana and other culturally important lands into trust, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northern Cheyenne
5 Lands Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Northern Cheyenne Tribe has depended
2 on its lands and land-based resources to support its
3 way of life since time immemorial.

4 (2) The Tribe has made supreme and historic
5 sacrifices to repossess and maintain its homeland,
6 including its Reservation in Montana.

7 (3) The Tribe currently suffers from tremen-
8 dous social and economic challenges, including a lack
9 of employment opportunities on the Reservation,
10 which can be improved by strengthening its control
11 over its land base, natural resources, and trust
12 funds.

13 (4) The Tribe and its members are currently
14 the beneficial owners of over 95 percent of the sur-
15 face lands on the Northern Cheyenne Reservation
16 and all but approximately 5,000 subsurface acres of
17 the Reservation.

18 (5) The Tribe seeks to obtain ownership of ap-
19 proximately 5,000 subsurface acres on its Reserva-
20 tion it does not own because of an error by the
21 United States to secure that subsurface when the
22 Reservation was expanded in 1900.

23 (6) In 2002, the Tribe agreed by settlement to
24 dismiss its lawsuit against the United States, which
25 alleged that the United States failed to protect the

1 Reservation from the impacts of coal development, in
2 return for assistance in securing tribal ownership of
3 those subsurface rights substantially in the form of
4 this Act, and to secure mitigation funding to address
5 the impacts of coal development in areas adjacent to
6 the Reservation, among other conditions.

7 (7) To increase tribal ownership of the surface
8 lands, the Tribe has purchased approximately 932
9 acres of land within its Reservation that were taken
10 out of trust ownership status for various reasons.

11 (8) The Tribe has purchased approximately 635
12 acres of land near Bear Butte, South Dakota, which
13 the Tribe considers sacred ground for its members,
14 as well as for members of other tribes.

15 (9) The Tribe now seeks to have the aforemen-
16 tioned lands and subsurface within the Reservation
17 and Bear Butte lands taken into trust on its behalf
18 by the United States.

19 (10) If the actions authorized by this Act are
20 completed, the Tribe will waive all legal claims
21 against the United States arising out of the long-
22 standing loss of the subsurface rights and arising
23 out of the United States management of the North-
24 ern Cheyenne Trust Fund.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **FUND.**—The term “Fund” means the
4 Northern Cheyenne Trust Fund identified in the
5 June 7, 1999 Agreement Settling Certain Issues Re-
6 lating to the Tongue River Dam Project which was
7 entered into by the Tribe, the State of Montana, and
8 delegates of the Secretary of the Interior, and man-
9 aged by the Office of Special Trustee in the Depart-
10 ment of the Interior.

11 (2) **GREAT NORTHERN PROPERTIES.**—The term
12 “Great Northern Properties” means the Great
13 Northern Properties Limited Partnership, which is a
14 Delaware limited partnership.

15 (3) **PERMANENT FUND.**—The term “Permanent
16 Fund” means the Northern Cheyenne Tribe Perma-
17 nent Fund managed by the Northern Cheyenne
18 Tribe pursuant to the Plan for Investment, Manage-
19 ment and Use of the Fund, as amended by vote of
20 the Tribal membership on November 2, 2010.

21 (4) **RESERVATION.**—The term “Reservation”
22 means the Northern Cheyenne Reservation.

23 (5) **SECRETARY.**—The term “Secretary” means
24 the Secretary of the Interior.

25 (6) **STATE.**—The term “State” means the State
26 of Montana.

1 (7) **TRIBE.**—The term “Tribe” means the
2 Northern Cheyenne Tribe.

3 **SEC. 4. TRIBAL FEE LANDS TO BE TAKEN INTO TRUST.**

4 Not later than 60 days after the date of the enact-
5 ment of this Act, the Secretary shall take the approxi-
6 mately 1,568 acres of land depicted on the map entitled
7 “Northern Cheyenne Land Act—Fee-to-Trust Lands”
8 and dated March 26, 2014, and on the map entitled
9 “Northern Cheyenne Land Act—Fee-to-Trust Lands—
10 Lame Deer Townsite”, and dated March 26, 2014, into
11 trust for the benefit of the Northern Cheyenne Tribe.

12 **SEC. 5. MINERAL RIGHTS TO BE TAKEN INTO TRUST.**

13 (a) **COMPLETION OF MINERAL CONVEYANCES.**—Not
14 later than 60 days after the date on which the Secretary
15 receives the notification described in subsection (d), in a
16 single transaction—

17 (1) Great Northern Properties shall convey to
18 the Tribe all right, title, and interest of Great
19 Northern Properties, consisting of coal and iron ore
20 mineral interests, underlying the land on the North-
21 ern Cheyenne Reservation generally depicted as
22 “Great Northern Properties” on the map entitled
23 “Northern Cheyenne Land Act—Coal Tracts” and
24 dated February 27, 2014;

1 (2) the Secretary shall convey to Great North-
2 ern Properties all right, title, and interest of the
3 United States in and to the coal mineral interests
4 underlying the land generally depicted as “Bull
5 Mountains” and “East Fork” on the map entitled
6 “Northern Cheyenne Federal Tracts” and dated
7 February 27, 2014; and

8 (3) the Secretary shall ensure that the deed for
9 the conveyance authorized by paragraph (2) shall in-
10 clude a covenant, running with the land—

11 (A) that precludes the coal conveyed from
12 being mined by methods other than under-
13 ground mining techniques until any surface
14 owner (as defined in section 714 of Public Law
15 95–87 (30 U.S.C. 1304(e))) for any specific
16 tract has given written consent to Great North-
17 ern Properties to enter such specific tract and
18 commence surface mining; and

19 (B) shall not create any property interest
20 in the United States or any surface owner (as
21 defined in section 714 of Public Law 95–87 (30
22 U.S.C. 1304(e))).

23 (b) TRUST STATUS.—Upon tribal request, the coal
24 and iron ore mineral interests conveyed to the Tribe under

1 this section shall be held in trust by the United States
2 for the benefit of the Tribe.

3 (c) IMMUNITIES.—The right, title, and interests con-
4 veyed to the Tribe under subsection (a)(1) shall not be
5 subject to taxation by the State of Montana (including any
6 political subdivision of the State of Montana).

7 (d) REVENUE SHARING AGREEMENT.—Consistent
8 with the Settlement Agreement entered into effective Feb-
9 ruary 19, 2002, by the Montana State Board of Land
10 Commissioners and the Tribe, the Tribe and Great North-
11 ern Properties have agreed on a formula for sharing rev-
12 enue from development of the Northern Cheyenne Federal
13 Tracts in the event that the Northern Cheyenne Federal
14 Tracts are developed at a later date. The Tribe shall notify
15 the Secretary in writing that the revenue sharing agree-
16 ment remains in effect.

17 (e) WAIVER OF LEGAL CLAIMS.—In return for the
18 conveyances of mineral interests under subsection (a)—

19 (1) the Tribe shall waive any and all claims
20 arising from the continuing failure of the United
21 States to acquire the private coal and iron ore min-
22 eral interests identified in subsection (a)(1) in trust
23 for the Tribe as part of the Reservation as directed
24 by Congress in 1900; and

1 (2) Great Northern Properties shall waive any
2 claim against the United States relating to the value
3 or completion of the conveyances under subsection
4 (a).

5 (f) RESCISSION OF MINERAL CONVEYANCES.—If any
6 portion of the mineral conveyances under subsection (a)
7 is invalidated by a court of competent jurisdiction and the
8 judgment of that court is not vacated or reversed on ap-
9 peal—

10 (1) not later than 1 year after the date on
11 which there is a final judgment, the Secretary or
12 Great Northern Properties may rescind completely
13 each mineral conveyance under subsection (a); and

14 (2) if the Secretary or Great Northern Prop-
15 erties carries out a rescission under paragraph (1),
16 the waiver of the Tribe under this section shall be
17 considered to be rescinded.

18 **SEC. 6. TRANSFER OF NORTHERN CHEYENNE TRUST FUND**

19 **TO TRIBE.**

20 (a) TRANSFER OF FUND.—Not later than 30 days
21 after the date of the enactment of this Act, the Fund shall
22 be transferred to the Tribe and deposited into the Tribe’s
23 Permanent Fund.

24 (b) PERMITTED USES OF FUND.—The principal of
25 the Fund, upon deposit in the Permanent Fund, shall be

1 maintained in perpetuity, and the earnings of the Perma-
2 nent Fund shall be used as provided in the Northern
3 Cheyenne Tribe Permanent Fund Plan.

4 (c) WAIVER OF LEGAL CLAIMS.—In return for trans-
5 fer of the Fund under subsection (a), the Tribe shall waive
6 any and all claims arising from the United States manage-
7 ment of the Fund.

8 **SEC. 7. ELIGIBILITY FOR OTHER FEDERAL BENEFITS.**

9 No sums or other benefits provided to the Tribe
10 under this Act shall result in the reduction or denial of
11 any Federal services, benefits, or programs to the Tribe
12 or to any member of the Tribe to which the Tribe or mem-
13 ber is entitled or eligible because of—

14 (1) the status of the Tribe as a federally recog-
15 nized Indian tribe; or

16 (2) the status of the member as a member of
17 the Tribe.

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