Public Law 98-408
98th Congress

An Act

To convey certain lands to the Zuni Indian Tribe for religious purposes.

Aug. 28, 1984
[S. 2201]

Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of securing the following described lands located in the State of Arizona, upon which the Zuni Indians depend and which the Zuni Indians have used since time immemorial for sustenance and the performance of certain religious ceremonies, the following are hereby declared to be part of the Zuni Indian Reservation:

Beginning at the northeast corner of section 26, township 15 north, range 26 east, Gila and Salt River meridian; thence west to the northwest corner of section 28, township 15 north, range 26 east; thence south to the southwest corner of section 16, township 14 north, range 26 east; thence east to the southeast corner of section 14, township 14 north, range 26 east; thence north to the point of beginning.

Also all of sections 26 and 27, township 14 north, range 26 east, Gila and Salt River meridian.

SEC. 2. All lands described in the first section of this Act which are presently owned by the United States are hereby declared to be held in trust for the Zuni Indian Tribe subject to any existing leasehold interests. The Secretary of the Interior is authorized and directed to acquire through exchange those lands described in such section which are owned by the State of Arizona, and shall exchange lands under the jurisdiction of the Bureau of Land Management within the State of Arizona for said State lands. Such lands will be transferred without cost to the Zuni Indian Tribe and title thereto shall be taken by the United States in trust for the benefit of said tribe.

SEC. 3. The Secretary of the Interior or the Zuni Indian Tribe is authorized to acquire through purchase or exchange the remaining private lands and leasehold interests described within the first section of this Act which are not presently owned by the United States or the State of Arizona, and when acquired, title to such lands shall be held by the United States in trust for the Zuni Indian Tribe.

SEC. 4. The Secretary of the Interior is directed to immediately acquire by voluntary agreement the permanent right of ingress and egress to all lands described in the first section of this Act for the limited purpose of allowing the Zuni Indians to continue to use said lands for traditional religious pilgrimages and ceremonials.

SEC. 5. (a) The Secretary of the Interior shall make available for sale to Apache County, Arizona, land which—

(1) is under the jurisdiction of the Bureau of Land Management on the date of enactment of this Act,

(2) is located within the boundaries of Apache County, Arizona, and

(3) consists of a number of acres equal to the number of acres of land that—

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(A) are acquired in fee under section 3 by the Secretary of the Interior or the Zuni Indian Tribe, and

(B) are subject to taxation by Apache County, Arizona, on the date of enactment of this Act.

(b)(1) The Secretary of the Interior shall designate the land which is available for sale under subsection (a) by no later than the date which is two years after the date of enactment of this Act. The Secretary of the Interior shall publish in the Federal Register a description of any land so designated.

Federal Register, publication.

(2) The designation of land under paragraph (1) shall be subject to any land transfer which is required in order to carry out any relocation pursuant to Public Law 93-531.

25 USC 640d—640d-28.

(3) Land which is designated by the Secretary of the Interior under paragraph (1) shall be available for sale under subsection (a) during the period which begins on the date which such designation is made and ends on the date which is four years after the date of enactment of this Act.

(c)(1) If Apache County, Arizona, agrees to use any portion of the land purchased under subsection (a) only for public purposes, the price at which such portion of the land shall be sold to Apache County under subsection (a) shall be equal to the lesser of—

(A) the price at which Apache County could acquire such land under the Federal Land Policy Management Act of 1976, or

43 USC 1701 note.

(B) the price at which Apache County could acquire such land under the Act of June 14, 1926 (44 Stat. 741; chapter 578).

43 USC 869—869-4.

(2) If Apache County, Arizona, does not agree to use a portion of the land purchase by such county under subsection (a) only for public purposes, the price at which such portion of land shall be sold under subsection (a) shall be fair market value of such portion of land determined with regard to the current use of such portion of land on the day preceding the date of such sale.

(d) The provisions of this section shall not delay the transfer of any land under this Act for the benefit of the Zuni Indian Tribe.

SEC. 6. The value of the interest in land conveyed or any funds expended pursuant to this Act or any other sums expended or services rendered gratuitously or otherwise by the United States for the benefit of the Zuni Indian Tribe or its members from 1846 to the present shall not be offset against any award of judgment against the United States which may be rendered in favor of the Zuni Indian Tribe in Docket Numbers 161-79L and 327-81L presently pending before the United States Court of Claims. The Zuni Indian Tribe may encumber its interest in said dockets in order to acquire the lands described in section 3.

SEC. 7. For the purpose of subtitle A of the Internal Revenue Code of 1954, any transfer of private lands or leasehold interests to which section 3 applies shall be deemed to be an involuntary conversion within the meaning of section 1033 of such Code.

26 USC 1.

26 USC 1033.

SEC. 8. Payment being made to any State or local government pursuant to the provisions of section 1601 of title 31, United States

31 USC 6902.

Code, on any lands transferred pursuant to section 2 hereof shall continue to be paid as if such transfer had not occurred.

Approved August 28, 1984.

LEGISLATIVE HISTORY—S. 2201:

SENATE REPORT No. 98-441 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
July 31, considered and passed Senate.
Aug. 8, considered and passed House, amended.
Aug. 10, Senate concurred in House amendments.