TEXT OF AMENDMENTS

SA. 4979. Mr. REID (for Mr. BIDEN (for himself and Mr. SPECTER)) proposed an amendment to the bill S. 3079, to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iraqi Scientists Immigration Act of 2002''.

SEC. 2. ADMISSION OF CRITICAL ALIENS.

(a) Section 101(a)(15) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15), is amended—

(1) by striking ''or'' at the end of subparagraph (U);

(2) by striking the period at the end of subparagraph (V) and inserting ''; or''; and

(3) by adding a new subparagraph (W), reading:

''(W) Subject to section 214(s), an alien—

''(i) who the Attorney General determines, in coordination with the Secretary of State, the Director of Central Intelligence and such other officials as he may deem appropriate, and in the Attorney General's unreviewable discretion, is an individual—

''(I) who has worked at any time in an Iraqi program to produce weapons of mass destruction or the means to deliver them;

''(II) who is in possession of critical and reliable information concerning any such Iraqi program;

''(III) who is willing to provide, or has provided, such information to the United States Government;

''(IV) who may be willing to provide, or has provided, such information to inspectors of the United Nations or of the International Atomic Energy Agency;

''(V) who will be or has been placed in danger as a result of providing such information; and

''(VI) whose admission would be in the public interest or in the interest of national security; or

''(ii) who is the spouse, married or unmarried son or daughter, parent, or other relative, as determined by the Attorney General in his unreviewable discretion, of an alien described in clause (i), if accompanying or following to join such alien, and whose admission the Attorney General, in coordination with the Secretary of State and the Director of Central Intelligence, determines in his unreviewable discretion is in the public interest or in the interest of national security.''

(b) Section 214 of the Immigration and Nationality Act, 8 U.S.C. 1184, is amended by—

(1) redesignating subsections second (m) (as added by section 105 of Public Law 106–313), (n) (as added by section 107(e) of Public Law 106–386, (o) (as added by section 1513(c) of Public Law 106–386), second (o) (as added by section 1102(b) of the Legal Immigration Family Equity Act), and (p) (as added by section 1503(b) of the Legal Immigration Family Equity Act), as subsections (n), (o), (p), (q), and (r), respectively; and

(2) adding a new subsection (s) reading:

''(s) Numerical limitations and conditions of admission and stay for nonimmigrants admitted under section 101(a)(15)(W).

''(1) The number of aliens who may be admitted to the United States or otherwise granted status under section 101(a)(15)(W)(i) may not exceed a total of 500.

''(2) As a condition for the admission, and continued stay in lawful status, of any alien admitted to the United States or otherwise granted status as a nonimmigrant under section 101(a)(15)(W), the nonimmigrant—

''(A) shall report to the Attorney General such information concerning the alien's whereabouts and activities as the Attorney General may require;

''(B) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission or grant of status;

''(C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of removal or for protection under the Convention Against Torture, any action for removal of the alien instituted before the alien obtains lawful permanent resident status;

''(D) shall cooperate fully with all requests for information from the United States Government including, but not limited to, fully and truthfully disclosing to the United States Government all information in the alien's possession concerning any Iraqi program to produce weapons of mass destruction or the means to deliver them; and

''(E) shall abide by any other condition, limitation, or restriction imposed by the Attorney General.''.

(c) Section 245 of the Immigration and Nationality Act, 8 U.S.C. 1255, is amended by—

(I) In subsection (c) striking ''or'' before ''(8)'' and inserting before the period, ''or (9) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(W)'';

(2) Redesignating subsection (l), related to ''U'' visa nonimmigrants, as subjection (m); and

(3) Adding a new subsection (n) reading:

''(n) Adjustment to permanent resident status of ''W'' nonimmigrants.

''(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(W)(i) has complied with section 214(s) since such admission or grant of status, the Attorney General may, in coordination with the Secretary of State and the Director of Central Intelligence, and in his unreviewable discretion, adjust the status of the alien (and any alien who has accompanied or followed to join such alien pursuant to section 101(a)(15)(W)(ii) and who has complied with section 214(s) since admission or grant of nonimmigrant status) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

''(2) Upon the approval of adjustment of status of any alien under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.''.

(d) Section 212(d) of the Immigration and Nationality Act, 8 U.S.C. 1182(d), is amended by inserting a new paragraph (d)(2) reading:

''(2) The Attorney General shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(W). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) in the case of such nonimmigrant if the Attorney General considers it to be in the public interest or in the interest of national security.''.

(e) Section 248(1) of Immigration and Nationality Act, 8 U.S.C. 1258(1), is amended by striking ''or (S)'' and inserting ''(S), or (W)''.

SEC. 3. WEAPON OF MASS DESTRUCTION DEFINED.

(a) IN GENERAL.—In this Act, the term ''weapon of mass destruction'' has the meaning given the term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2727; 50 U.S.C. 2302(1)), as amended by subsection (b).

(b) TECHNICAL CORRECTION.—Section 1403(1)(B) of the Defense against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)(B)) is amended by striking ''a disease organism'' and inserting ''a biological agent, toxin, or vector (as those terms are defined in section 178 of title 18, United States Code)''.

SA 4980. Mr. REID (for Mr. INOUYE (for himself and Mr. CAMPBELL)) proposed an amendment to the bill S. 2711, to reauthorize and improve programs relating to Native Americans; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Omnibus Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—ECONOMIC DEVELOPMENT

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Indian Financing Amendments Act of 2002''.

SEC. 1002. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.) was intended to provide Native American borrowers with access to commercial sources of capital that otherwise would not be available through the guarantee or insurance of loans by the Secretary of the Interior;

(2) although the Secretary of the Interior has made loan guarantees and insurance available, use of those guarantees and that insurance by lenders to benefit Native American business borrowers has been limited;

(3) 27 years after the date of enactment of the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.), the promotion and development of Native American-owned business remains an essential foundation for growth of economic and social stability of Native Americans;

(4) use by commercial lenders of the available loan insurance and guarantees may be limited by liquidity and other capital market-driven concerns; and

(5) it is in the best interest of the insured and guaranteed loan program of the Department of the Interior—

(A) to encourage the orderly development and expansion of a secondary market for loans guaranteed or insured by the Secretary of the Interior; and

(B) to expand the number of lenders originating loans under the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.).

(b) PURPOSE.—The purpose of this title is to reform and clarify the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.) in order to—

(1) stimulate the use by lenders of secondary market investors for loans guaranteed or insured under a program administered by the Secretary of the Interior;

(2) preserve the authority of the Secretary to administer the program and regulate lenders;

(3) clarify that a good faith investor in loans insured or guaranteed by the Secretary will receive appropriate payments;

(4) provide for the appointment by the Secretary of a qualified fiscal transfer agent to establish and administer a system for the orderly transfer of those loans; and

(5)(A) authorize the Secretary to promulgate regulations to encourage and expand a secondary market program for loans guaranteed or insured by the Secretary; and

(B) allow the pooling of those loans as the secondary market develops.

SEC. 1003. AMENDMENTS TO INDIAN FINANCING ACT.

(a) LIMITATION ON LOAN AMOUNTS WITHOUT PRIOR APPROVAL.—Section 204 of the Indian Financing Act of 1974 (25 U.S.C. 1484) is amended in the last sentence by striking ''$100,000'' and inserting ''$250,000''.

(b) SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.—Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended—

(1) by striking ''Any loan guaranteed'' and inserting the following:

''(a) IN GENERAL.—Any loan guaranteed or insured''; and

(2) by adding at the end the following:

''(b) INITIAL TRANSFERS.—

''(1) IN GENERAL.—The lender of a loan guaranteed or insured under this title may transfer to any individual or legal entity—

''(A) all rights and obligations of the lender in the loan or in the unguaranteed or uninsured portion of the loan; and

''(B) any security given for the loan.

''(2) ADDITIONAL REQUIREMENTS.—With respect to a transfer described in paragraph (1)—

''(A) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (i); and

''(B) the lender shall give notice of the transfer to the Secretary.

''(3) RESPONSIBILITIES OF TRANSFEREE.—On any transfer under paragraph (1), the transferee shall—

''(A) be deemed to be the lender for the purpose of this title;

''(B) become the secured party of record; and

''(C) be responsible for—

''(i) performing the duties of the lender; and

''(ii) servicing the loan in accordance with the terms of the guarantee by the Secretary of the loan.

''(c) SECONDARY TRANSFERS.—

''(1) IN GENERAL.—Any transferee under subsection (b) of a loan guaranteed or insured under this title may transfer to any individual or legal entity—

''(A) all rights and obligations of the transferee in the loan or in the unguaranteed or uninsured portion of the loan; and

''(B) any security given for the loan.

''(2) ADDITIONAL REQUIREMENTS.—With respect to a transfer described in paragraph (1)—

''(A) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (i); and

''(B) the transferor shall give notice of the transfer to the Secretary.

''(3) ACKNOWLEDGMENT BY SECRETARY.—On receipt of a notice of a transfer under paragraph (2)(B), the Secretary shall issue to the transferee an acknowledgement by the Secretary of—

''(A) the transfer; and

''(B) the interest of the transferee in the guaranteed or insured portion of the loan.

''(4) RESPONSIBILITIES OF LENDER.—Notwithstanding any transfer permitted by this subsection, the lender shall—

''(A) remain obligated on the guarantee agreement or insurance agreement between the lender and the Secretary;

''(B) continue to be responsible for servicing the loan in a manner consistent with that guarantee agreement or insurance agreement; and

''(C) remain the secured creditor of record.

''(d) FULL FAITH AND CREDIT.—

''(1) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all loan guarantees and loan insurance made under this title after the date of enactment of this subsection.

''(2) VALIDITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the validity of a guarantee or insurance of a loan under this title shall be incontestable if the obligations of the guarantee or insurance held by a transferee have been acknowledged under subsection (c)(3).

''(B) EXCEPTION FOR FRAUD OR MISREPRESENTATION.—Subparagraph (A) shall not apply in a case in which a transferee has actual knowledge of fraud or misrepresentation, or participates in or condones fraud or misrepresentation, in connection with a loan.

''(e) DAMAGES.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may recover from a lender of a loan under this title any damages suffered by the Secretary as a result of a material breach of the obligations of the lender with respect to a guarantee or insurance by the Secretary of the loan.

''(f) FEES.—The Secretary may collect a fee for any loan or guaranteed or insured portion of a loan that is transferred in accordance with this section.

''(g) CENTRAL REGISTRATION OF LOANS.—On promulgation of final regulations under subsection (i), the Secretary shall—

''(1) provide for a central registration of all guaranteed or insured loans transferred under this section; and

''(2) enter into 1 or more contracts with a fiscal transfer agent—

''(A) to act as the designee of the Secretary under this section; and

''(B) to carry out on behalf of the Secretary the central registration and fiscal transfer agent functions, and issuance of acknowledgements, under this section.

''(h) POOLING OF LOANS.—

''(1) IN GENERAL.—Nothing in this title prohibits the pooling of whole loans or interests in loans transferred under this section.

''(2) REGULATIONS.—In promulgating regulations under subsection (i), the Secretary may include such regulations to effect orderly and efficient pooling procedures as the Secretary determines to be necessary.

''(i) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop such procedures and promulgate such regulations as are necessary to facilitate, administer, and promote transfers of loans and guaranteed and insured portions of loans under this section.''.

TITLE II—LAND SETTLEMENT PROVISIONS

Subtitle A—T'uf Shur Bien Preservation Trust Area

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the ''T'uf Shur Bien Preservation Trust Area Act''.

SEC. 2102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M–36963; 96 I.D. 331) and January 19, 2001 (M–37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

SEC. 2103. DEFINITIONS.

In this subtitle:

(1) AREA.—

(A) IN GENERAL.—The term ''Area'' means the T'uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) EXCLUSIONS.—The term ''Area'' does not include—

(i) the subdivisions;

(ii) the Pueblo-owned land;

(iii) the crest facilities; or

(iv) the special use permit area.

(2) CREST FACILITIES.—The term ''crest facilities'' means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;

(B) electronic site access roads;

(C) the Crest House;

(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;

(E) the Crest Observation Area;

(F) parking lots;

(G) restrooms;

(H) the Crest Trail (Trail No. 130);

(I) hang glider launch sites;

(J) the Kiwanis cabin; and

(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) EXISTING USE.—The term ''existing use'' means a use that—

(A) is occurring in the Area as of the date of enactment of this Act; or

(B) is authorized in the Area after November 1, 1995, but before the date of enactment of this Act.

(4) LA LUZ TRACT.—The term ''La Luz tract'' means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) LOCAL PUBLIC BODY.—The term ''local public body'' means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6–5–1).

(6) MAP.—The term ''map'' means the Forest Service map entitled ''T'uf Shur Bien Preservation Trust Area'' and dated April 2000.

(7) MODIFIED USE.—

(A) IN GENERAL.—The term ''modified use'' means an existing use that, at any time after the date of enactment of this Act, is modified or reconfigured but not significantly expanded.

(B) INCLUSIONS.—The term ''modified use'' includes—

(i) a trail or trailhead being modified, such as to accommodate handicapped access;

(ii) a parking area being reconfigured; and

(iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) NEW USE.—

(A) IN GENERAL.—The term ''new use'' means—

(i) a use that is not occurring in the Area as of the date of enactment of this Act; and

(ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) EXCLUSIONS.—The term ''new use'' does not include a use that—

(i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) PIEDRA LISA TRACT.—The term ''Piedra Lisa tract'' means the tract comprised of approximately 160 acres of land held in private ownership and depicted on the map.

(10) PUEBLO.—The term ''Pueblo'' means the Pueblo of Sandia in its governmental capacity.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) SPECIAL USE PERMIT.—The term ''special use permit'' means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company

(14) SPECIAL USE PERMIT AREA.—

(A) IN GENERAL.—The term ''special use permit area'' means the land and facilities subject to the special use permit.

(B) INCLUSIONS.—The term ''special use permit area'' includes—

(i) approximately 46 acres of land used as an aerial tramway corridor;

(ii) approximately 945 acres of land used as a ski area; and

(iii) the land and facilities described in Exhibit A to the special use permit, including—

(I) the maintenance road to the lower tram tower;

(II) water storage and water distribution facilities; and

(III) 7 helispots.

(15) SUBDIVISION.—The term ''subdivision'' means—

(A) the subdivision of—

(i) Sandia Heights Addition;

(ii) Sandia Heights North Unit I, II, or 3;

(iii) Tierra Monte;

(iv) Valley View Acres; or

(v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) TRADITIONAL OR CULTURAL USE.—The term ''traditional or cultural use'' means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

SEC. 2104. T'UF SHUR BIEN PRESERVATION TRUST AREA.

(a) ESTABLISHMENT.—The T'uf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

(1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 2105(a);

(2) to preserve in perpetuity the national forest and wilderness character of the Area; and

(3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) ADMINISTRATION AND APPLICABLE LAW.—

(1) IN GENERAL.—The Secretary shall continue to administer the Area as part of the National Forest System consistent with the provisions of this subtitle affecting management of the Area.

(2) TRADITIONAL OR CULTURAL USES.—Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo under section 2105(a)(4) shall not be restricted except by—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; and

(B) applicable Federal wildlife protection laws, as provided in section 2106(a)(2).

(3) LATER ENACTMENTS.—To the extent that any law enacted or amended after the date of enactment of this Act is inconsistent with this subtitle, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) TRUST.—The use of the word ''Trust'' in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) MAP.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate.

(2) PUBLIC AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) EFFECT.—The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in this subtitle, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section 2109 or subsection (b) or (c) of section 2113 shall be made; and

(C) to the extent that the map and the language of this subtitle conflict, the language of this subtitle shall control.

(d) NO CONVEYANCE OF TITLE.—No right, title, or interest of the United States in or to the Area or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) PROHIBITED USES.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of the date of enactment of this Act shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

(i) Gaming or gambling.

(ii) Mineral production.

(iii) Timber production.

(iv) Any new use to which the Pueblo objects under section 2105(a)(3).

(2) MINING CLAIMS.—The Area is closed to the location of mining claims under Section 2320 of the Revised Statutes (30 U.S.C. 23) (commonly known as the ''Mining Law of 1872'').

(f) NO MODIFICATION OF BOUNDARIES.—Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

SEC. 2105. PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) GENERAL.—The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; or

(B) applicable Federal wildlife protection laws as provided in section 2106(a)(2).

(2) Perpetual preservation of the national forest and wilderness character of the Area under this subtitle.

(3) Rights in the management of the Area as specified in section 2107, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to administer access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in sections 2104, 2105(c), 2107, 2108, and 2109.

(b) ACCESS.— Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) COMPENSABLE INTEREST.—

(1) IN GENERAL.—If, by an Act of Congress enacted after the date of enactment of this Act, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section 2104(e) in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo had held a fee title interest in the affected portion of the Area and as though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections 2104(e) and 2106(a) shall be disregarded in determining just compensation owed to the Pueblo.

(2) EFFECT.—Any compensation made to the Pueblo under paragraph (c) shall not affect the extinguishment of claims under section 2110.

SEC. 2106. LIMITATIONS ON PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) LIMITATIONS.—The rights and interests of the Pueblo recognized in this subtitle do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section 2104(e); or

(4) any right to exclude persons or governmental entities from the Area.

(b) EXCEPTION.—No person who exercises traditional or cultural use rights as authorized by section 2105(a)(4) may be prosecuted for a Federal wildlife offense requiring proof of a violation of a State law.

SEC. 2107. MANAGEMENT OF THE AREA.

(a) PROCESS.—

(1) IN GENERAL.—The Secretary shall consult with the Pueblo not less than twice each year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area (including proposed new uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) NEW USES.—

(A) REQUEST FOR CONSENT AFTER CONSULTATION.—

(i) WITHHOLDING OF CONSENT.—If the Pueblo withholds consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) GRANTING OF CONSENT.—If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) FINAL REQUEST FOR CONSENT.—

(i) REQUEST.—Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) WITHHOLDING OF CONSENT.—If the Pueblo withholds consent for a new use within 30 days after receipt by the Pueblo of the proposed record of decision or decision notice, the new use shall not be authorized.

(ii) FAILURE TO RESPOND.—If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) PUBLIC INVOLVEMENT.—

(A) IN GENERAL.—With respect to a proposed new use or modified use, the public shall be provided notice of—

(i) the purpose and need for the proposed new use or modified use;

(ii) the role of the Pueblo in the decision-making process; and

(iii) the position of the Pueblo on the proposal.

(B) COURT CHALLENGE.—Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination by the Secretary concerning whether a use constitutes a new use or a modified use.

(b) EMERGENCIES AND EMERGENCY CLOSURE ORDERS.—

(1) AUTHORITY.—The Secretary shall retain the authority of the Secretary to manage emergency situations, to—

(A) provide for public safety; and

(B) issue emergency closure orders in the Area subject to applicable law.

(2) NOTICE.—The Secretary shall notify the Pueblo regarding emergencies, public safety issues, and emergency closure orders as soon as practicable.

(3) NO CONSENT.—An action of the Secretary described in paragraph (1) shall not require the consent of the Pueblo.

(c) DISPUTES INVOLVING FOREST SERVICE MANAGEMENT AND PUEBLO TRADITIONAL USES.—

(1) IN GENERAL.—In a case in which the management of the Area by the Secretary conflicts with a traditional or cultural use, if the conflict does not pertain to a new use or modified use subject to the process specified in subsection (a), the process for dispute resolution specified in this subsection shall apply.

(2) DISPUTE RESOLUTION PROCESS.—

(A) IN GENERAL.—In the case of a conflict described in paragraph (1)—

(i) the party identifying the conflict shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester, as appropriate, specifying the nature of the dispute; and

(ii) the Governor of the Pueblo or the Regional Forester shall attempt to resolve the dispute for a period of at least 30 days after notice has been provided before bringing a civil action in the United States District Court for the District of New Mexico.

(B) DISPUTES REQUIRING IMMEDIATE RESOLUTION.—In the case of a conflict that requires immediate resolution to avoid imminent, substantial, and irreparable harm—

(i) the party identifying the conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification; and

(ii) if the parties are unable to resolve the dispute within 3 days—

(I) either party may bring a civil action for immediate relief in the United States District Court for the District of New Mexico; and

(II) the procedural requirements specified in subparagraph (A) shall not apply.

SEC. 2108. JURISDICTION OVER THE AREA.

(a) CRIMINAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as provided in this paragraph.

(2) JURISDICTION OF THE PUEBLO.—The Pueblo shall have jurisdiction over an offense committed by a member of the Pueblo or of another federally-recognized Indian tribe who is present in the Area with the permission of the Pueblo under section 2105(a)(4).

(3) JURISDICTION OF THE UNITED STATES.—The United States shall have jurisdiction over—

(A) an offense described in section 1153 of title 18, United States Code, committed by a member of the Pueblo or another federally-recognized Indian tribe;

(B) an offense committed by any person in violation of the laws (including regulations) pertaining to the protection and management of national forests;

(C) enforcement of Federal criminal laws of general applicability; and

(D) any other offense committed by a member of the Pueblo against a person not a member of the Pueblo.

(4) JURISDICTION OF THE STATE OF NEW MEXICO.—The State of New Mexico shall have jurisdiction over an offense under the law of the State committed by a person not a member of the Pueblo.

(5) OVERLAPPING JURISDICTION.—To the extent that the respective allocations of jurisdiction over the Area under paragraphs (2), (3), and (4) overlap, the governments shall have concurrent jurisdiction.

(6) FEDERAL USE OF STATE LAW.—Under the jurisdiction of the United States described in paragraph (3)(D), Federal law shall incorporate any offense defined and punishable under State law that is not so defined under Federal law.

(b) CIVIL JURISDICTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as was exercised by those entities on the day before the date of enactment of this Act.

(2) JURISDICTION OF THE PUEBLO.—

(A) IN GENERAL.—The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

(i) a dispute involving only members of the Pueblo;

(ii) a civil action brought by the Pueblo against a member of the Pueblo; and

(iii) a civil action brought by the Pueblo against a member of another federally-recognized Indian tribe for a violation of an understanding between the Pueblo and the other tribe regarding use of or access to the Area for traditional or cultural uses.

(B) REGULATORY JURISDICTION.—The Pueblo shall have no regulatory jurisdiction over the Area, except that the Pueblo shall have exclusive authority to—

(i) regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional or cultural uses, to the extent such regulation is consistent with this subtitle; and

(ii) regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting or trapping is related to traditional or cultural uses, except that such hunting and trapping outside of that portion of the Area in sections 13, 14, 23, 24, and the northeast quarter of section 25 of T12N, R4E, and section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(C) TAXING JURISDICTION.—The Pueblo shall have no authority to impose taxes within the Area.

(3) STATE AND LOCAL TAXING JURISDICTION.—The State of New Mexico and local public bodies shall have no authority within the Area to tax the uses or the property of the Pueblo, members of the Pueblo, or members of other federally-recognized Indian tribes authorized to use the Area under section 2105(a)(4).

SEC. 2109. SUBDIVISIONS AND OTHER PROPERTY INTERESTS.

(a) SUBDIVISIONS.—

(1) IN GENERAL.—The subdivisions are excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions.

(B) STATE JURISDICTION.—The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that on application of the Pueblo a tract comprised of approximately 35 contiguous, nonsubdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo at the time of enactment of this Act, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior.

(3) LIMITATIONS ON TRUST LAND.—Trust land described in paragraph (2)(B) shall be subject to all limitations on use pertaining to the Area contained in this subtitle.

(b) PIEDRA LISA.—

(1) IN GENERAL.—The Piedra Lisa tract is excluded from the Area notwithstanding any subsequent acquisition of the tract by the Pueblo.

(2) ACQUISITION OF TRACT.—If the Secretary or the Pueblo acquires the Piedra Lisa tract, the tract shall be transferred to the United States and is declared to be held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this subtitle.

(3) APPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 2106(a)(4) shall not apply outside of Forest Service System trails.

(4) JURISDICTION.—Until acquired by the Secretary or Pueblo, the jurisdiction of the State of New Mexico and local public bodies over the Piedra Lisa tract and property interests therein shall continue in effect.

(c) CREST FACILITIES.—

(1) IN GENERAL.—The land on which the crest facilities are located is excluded from the Area.

(2) JURISDICTION.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the land on which the crest facilities are located and property interests therein, and the laws of the Pueblo, shall not apply to that land. The preexisting jurisdictional status of that land shall continue in effect.

(d) SPECIAL USE PERMIT AREA.—

(1) IN GENERAL.—The land described in the special use permit is excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the land described in the special use permit, and the laws of the Pueblo shall not apply to that land.

(B) PREEXISTING STATUS.—The preexisting jurisdictional status of that land shall continue in effect.

(3) AMENDMENT TO PLAN.—In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other land in the Area necessary to realign the existing or any future replacement tram line, associated structures, or facilities, the land subject to that amendment shall thereafter be excluded from the Area and shall have the same status under this subtitle as the land currently described in the special use permit.

(4) LAND DEDICATED TO AERIAL TRAMWAY AND RELATED USES.—Any land dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area, but only after final agency action no longer subject to any appeals.

(e) LA LUZ TRACT.—

(1) IN GENERAL.—The La Luz tract now owned in fee by the Pueblo is excluded from the Area and, on application by the Pueblo, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this subtitle.

(2) NONAPPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 2106(a)(4) shall not apply outside of Forest Service System trails.

(f) EVERGREEN HILLS ACCESS.—The Secretary, consistent with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210), shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition consistent with the terms of section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210).

(g) PUEBLO FEE LAND.—Those properties not specifically addressed in subsections (a) or (e) that are owned in fee by the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a).

(h) RIGHTS-OF-WAY.—

(1) ROAD RIGHTS-OF-WAY.—

(A) IN GENERAL.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights-of-way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area—

(i) a right-of-way for Tramway Road;

(ii) a right-of-way for Juniper Hill Road North;

(iii) a right-of-way for Juniper Hill Road South;

(iv) a right-of-way for Sandia Heights Road; and

(v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) CONDITIONS.—The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights-of-way shall not be subject to Pueblo consent.

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by this Act.

(2) UTILITY RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo land to appropriate utility or other service providers serving Sandia Heights Addition, Sandia Heights North Units I, II, and 3, the special use permit land, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company; provided that use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(3) FOREST SERVICE RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo land—

(A) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;

(B) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and

(C) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract, if the Pueblo ever acquires the Piedra Lisa tract.

SEC. 2110. EXTINGUISHMENT OF CLAIMS.

(a) IN GENERAL.—Except for the rights and interests in and to the Area specifically recognized in sections 2104, 2105, 2107, 2108, and 2109, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to land within the Area, any part thereof, and property interests therein, as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished. The United States' title to the Area is confirmed.

(b) SUBDIVISIONS.—Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of the date of enactment of this Act), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) SPECIAL USE AND CREST FACILITIES AREAS.—Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

(1) the land described in the special use permit; and

(2) the land on which the crest facilities are located.

(d) PUEBLO AGREEMENT.—As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection (a), (b) and (c).

(e) CONSIDERATION.—The recognition of the Pueblo's rights and interests in this Act constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 2109, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to this subtitle.

SEC. 2111. CONSTRUCTION.

(a) STRICT CONSTRUCTION.—This subtitle recognizes only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) EXISTING RIGHTS.—To the extent there exists within the Area at the date of enactment of this Act any valid private property rights associated with the Piedra Lisa tract or other private land that is not otherwise addressed in this subtitle, such rights are not modified or otherwise affected by this subtitle, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 2105(a)(3)(A).

(c) NOT PRECEDENT.—The provisions of this subtitle creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) FISH AND WILDLIFE.—Except as provided in section 2108(b)(2)(B), nothing in this subtitle shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(e) FEDERAL LAND POLICY AND MANAGEMENT ACT.—Section 316 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1746) is amended by adding at the end the following: ''Any corrections authorized by this section which affect the boundaries of, or jurisdiction over, land administered by another Federal agency shall be made only after consultation with, and the approval of, the head of such other agency.''

SEC. 2112. JUDICIAL REVIEW.

(a) ENFORCEMENT.—A civil action to enforce the provisions of this subtitle may be brought to the extent permitted under chapter 7 of title 5, United States Code. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5, United States Code.

(b) WAIVER.—A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under this subtitle, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) VENUE.—Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of this subtitle, shall lie only in the United States District Court for the District of New Mexico.

SEC. 2113. PROVISIONS RELATING TO CONTRIBUTIONS AND LAND EXCHANGE.

(a) CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with this subtitle.

(2) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the survey of the Area under paragraph (1)(A).

(b) LAND EXCHANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, after consultation with the Pueblo, the Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of National Forest land outside the Area and contiguous to the northern boundary of the Pueblo's Reservation within sections 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding Wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

(2) ACCEPTANCE OF PAYMENT.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

(3) FUNDS RECEIVED.—Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established

under the Act of December 4, 1967, known as the Sisk Act (16 U.S.C. 484a), and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

(4) TREATMENT OF LAND EXCHANGED OR CONVEYED.—All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under this Act.

(5) FAILURE TO MAKE OFFER.—If the land exchange offer is not made by the date that is 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) LAND ACQUISITION.—

(1) IN GENERAL.—The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) ACQUISITION BY PUEBLO.—If the Pueblo acquires the Piedra Lisa tract, the Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 2109(h)(3)(C); and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 2109(b).

(d) REIMBURSEMENT OF CERTAIN COSTS.—

(1) IN GENERAL.—The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94–2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) TREATMENT OF REIMBURSEMENT.—Any reimbursement provided in this subsection shall be in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24 U.S.C. 2412).

(3) PAYMENTS.—The Secretary of the Treasury shall make reimbursement payments as provided in this section out of any money not otherwise appropriated.

(4) APPLICATIONS.—Applications for reimbursement shall be filed within 180 days of the date of enactment of this Act with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) MAXIMUM REIMBURSEMENT.—In no event shall any 1 party be compensated in excess of $750,000 and the total amount reimbursed pursuant to this section shall not exceed $3,000,000.

SEC. 2114. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle, including such sums as are necessary for the Forest Service, in accordance with section 2113(c), to acquire ownership of, or other interests in or to, land within the external boundaries of the Area.

SEC. 2115. EFFECTIVE DATE.

The provisions of this subtitle shall take effect immediately on enactment of this Act.

Subtitle B—Pueblo de Cochiti Settlement

SEC. 2201. MODIFICATION OF PUEBLO DE COCHITI SETTLEMENT.

Section 1 of Public Law 102–358 (106 Stat. 960) is amended—

(1) by striking ''implement the settlement'' and inserting the following: ''implement—

''(1) the settlement;'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(2) the modifications regarding the use of the settlement funds as described in the agreement known as the 'First Amendment to Operation and Maintenance Agreement for Implementation of Cochiti Wetlands Solution', executed—

''(A) on October 22, 2001, by the Army Corps of Engineers;

''(B) on October 25, 2001, by the Pueblo de Cochiti of New Mexico; and

''(C) on November 8, 2001, by the Secretary of the Interior.''.

TITLE III—WATER SETTLEMENTS AND WATER-RELATED PROVISIONS

Subtitle A—Zuni Heaven Restoration Water Rights Settlement

SEC. 3101. SHORT TITLE.

This subtitle may be cited as the ''Zuni Indian Tribe Water Rights Settlement Act of 2002''.

SEC. 3102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the policy of the United States, in keeping with its trust responsibility to Indian tribes, to promote Indian self-determination, religious freedom, political and cultural integrity, and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation.

(2) Quantification of rights to water and development of facilities needed to use tribal water supplies effectively is essential to the development of viable Indian reservation communities, particularly in arid western States.

(3) On August 28, 1984, and by actions subsequent thereto, the United States established a reservation for the Zuni Indian Tribe in Apache County, Arizona upstream from the confluence of the Little Colorado and Zuni Rivers for long-standing religious and sustenance activities.

(4) The water rights of all water users in the Little Colorado River basin in Arizona have been in litigation since 1979, in the Superior Court of the State of Arizona in and for the County of Apache in Civil No. 6417, In re The General Adjudication of All Rights to Use Water in the Little Colorado River System and Source.

(5) Recognizing that the final resolution of the Zuni Indian Tribe's water claims through litigation will take many years and entail great expense to all parties, continue to limit the Tribe's access to water with economic, social, and cultural consequences to the Tribe, prolong uncertainty as to the availability of water supplies, and seriously impair the long-term economic planning and development of all parties, the Tribe and neighboring non-Indians have sought to settle their disputes to water and reduce the burdens of litigation.

(6) After more than 4 years of negotiations, which included participation by representatives of the United States, the Zuni Indian Tribe, the State of Arizona, and neighboring non-Indian communities in the Little Colorado River basin, the parties have entered into a Settlement Agreement to resolve all of the Zuni Indian Tribe's water rights claims and to assist the Tribe in acquiring surface water rights, to provide for the Tribe's use of groundwater, and to provide for the wetland restoration of the Tribe's lands in Arizona.

(7) To facilitate the wetland restoration project contemplated under the Settlement Agreement, the Zuni Indian Tribe acquired certain lands along the Little Colorado River near or adjacent to its Reservation that are important for the success of the project and will likely acquire a small amount of similarly situated additional lands. The parties have agreed not to object to the United States taking title to certain of these lands into trust status; other lands shall remain in tribal fee status. The parties have worked extensively to resolve various governmental concerns regarding use of and control over those lands, and to provide a successful model for these types of situations, the State, local, and tribal governments intend to enter into an Intergovernmental Agreement that addresses the parties' governmental concerns.

(8) Pursuant to the Settlement Agreement, the neighboring non-Indian entities will assist in the Tribe's acquisition of surface water rights and development of groundwater, store surface water supplies for the Zuni Indian Tribe, and make substantial additional contributions to carry out the Settlement Agreement's provisions.

(9) To advance the goals of Federal Indian policy and consistent with the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Settlement Agreement and contribute funds for the rehabilitation of religious riparian areas and other purposes to enable the Tribe to use its water entitlement in developing its Reservation.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to approve, ratify, and confirm the Settlement Agreement entered into by the Tribe and neighboring non-Indians;

(2) to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers;

(3) to authorize and direct the United States to take legal title and hold such title to certain lands in trust for the benefit of the Zuni Indian Tribe; and

(4) to authorize the actions, agreements, and appropriations as provided for in the Settlement Agreement and this subtitle.

SEC. 3103. DEFINITIONS.

In this subtitle:

(1) EASTERN LCR BASIN.—The term ''Eastern LCR basin'' means the portion of the Little Colorado River basin in Arizona upstream of the confluence of Silver Creek and the Little Colorado River, as identified on Exhibit 2.10 of the Settlement Agreement.

(2) FUND.—The term ''Fund'' means the Zuni Indian Tribe Water Rights Development Fund established by section 3106(a).

(3) INTERGOVERNMENTAL AGREEMENT.—The term ''Intergovernmental Agreement'' means the intergovernmental agreement between the Zuni Indian Tribe, Apache County, Arizona and the State of Arizona described in article 6 of the Settlement Agreement.

(4) PUMPING PROTECTION AGREEMENT.—The term ''Pumping Protection Agreement''

means an agreement, described in article 5 of the Settlement Agreement, between the Zuni Tribe, the United States on behalf of the Tribe, and a local landowner under which the landowner agrees to limit pumping of groundwater on his lands in exchange for a waiver of certain claims by the Zuni Tribe and the United States on behalf of the Tribe.

(5) RESERVATION; ZUNI HEAVEN RESERVATION.—The term ''Reservation'' or ''Zuni Heaven Reservation'', also referred to as ''Kolhu:wala:wa'', means the following property in Apache County, Arizona: Sections 26, 27, 28, 33, 34, and 35, Township 15 North, Range 26 East, Gila and Salt River Base and Meridian; and Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 23, 26, and 27, Township 14 North, Range 26 East, Gila and Salt River Base and Meridian.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means that agreement dated June 7, 2002, together with all exhibits thereto. The parties to the Settlement Agreement include the Zuni Indian Tribe and its members, the United States on behalf of the Tribe and its members, the State of Arizona, the Arizona Game and Fish Commission, the Arizona State Land Department, the Arizona State Parks Board, the St. Johns Irrigation and Ditch Co., the Lyman Water Co., the Round Valley Water Users' Association, the Salt River Project Agricultural Improvement and Power District, the Tucson Electric Power Company, the City of St. Johns, the Town of Eagar, and the Town of Springerville.

(8) SRP.—The term ''SRP'' means the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona.

(9) TEP.—The term ''TEP'' means Tucson Electric Power Company.

(10) TRIBE, ZUNI TRIBE, OR ZUNI INDIAN TRIBE.—The terms ''Tribe'', ''Zuni Tribe'', or ''Zuni Indian Tribe'' means the body politic and federally recognized Indian nation, and its members.

(11) ZUNI LANDS.—The term ''Zuni Lands'' means all the following lands, in the State of Arizona, that, on the effective date described in section 3109(a), are—

(A) within the Zuni Heaven Reservation;

(B) held in trust by the United States for the benefit of the Tribe or its members; or

(C) held in fee within the Little Colorado River basin by or for the Tribe.

SEC. 3104. AUTHORIZATION, RATIFICATIONS, AND CONFIRMATIONS.

(a) SETTLEMENT AGREEMENT.—To the extent the Settlement Agreement does not conflict with the provisions of this subtitle, such Settlement Agreement is hereby approved, ratified, confirmed, and declared to be valid. The Secretary is authorized and directed to execute the Settlement Agreement and any amendments approved by the parties necessary to make the Settlement Agreement consistent with this subtitle. The Secretary is further authorized to perform any actions required by the Settlement Agreement and any amendments to the Settlement Agreement that may be mutually agreed upon by the parties to the Settlement Agreement.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Zuni Indian Tribe Water Rights Development Fund established in section 3106(a), $19,250,000, to be allocated by the Secretary as follows:

(1) $3,500,000 for fiscal year 2004, to be used for the acquisition of water rights and associated lands, and other activities carried out, by the Zuni Tribe to facilitate the enforceability of the Settlement Agreement, including the acquisition of at least 2,350 acre-feet per year of water rights before the deadline described in section 3109(b).

(2) $15,750,000, of which $5,250,000 shall be made available for each of fiscal years 2004, 2005, and 2006, to take actions necessary to restore, rehabilitate, and maintain the Zuni Heaven Reservation, including the Sacred Lake, wetlands, and riparian areas as provided for in the Settlement Agreement and under this subtitle.

(c) OTHER AGREEMENTS.—Except as provided in section 3109, the following 3 separate agreements, together with all amendments thereto, are approved, ratified, confirmed, and declared to be valid:

(1) The agreement between SRP, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

(2) The agreement between TEP, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

(3) The agreement between the Arizona State Land Department, the Zuni Tribe, and the United States on behalf of the Tribe, dated June 7, 2002.

SEC. 3105. TRUST LANDS.

(a) NEW TRUST LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, and after the requirements of section 3109(a) have been met, the Secretary shall take the legal title of the following lands into trust for the benefit of the Zuni Tribe:

(1) In T. 14 N., R. 27 E., Gila and Salt River Base and Meridian:

(A) Section 13: SW 1/4 , S 1/2 NE 1/4 SE 1/4 , W 1/2 SE 1/4 , SE 1/4 SE 1/4;

(B) Section 23: N 1/2 , N 1/2 SW 1/4 , N 1/2 SE 1/4 , SE 1/4 SE 1/4 , N 1/2 SW 1/4 SE 1/4 , SE 1/4 SW 1/4 SE 1/4;

(C) Section 24: NW 1/4 , SW 1/4 , S 1/2 NE 1/4 , N 1/2 SE 1/4; and

(D) Section 25: N 1/2 NE 1/4 , SE 1/4 NE 1/4 , NE 1/4 SE 1/4.

(2) In T. 14 N., R. 28 E., Gila and Salt River Base and Meridian:

(A) Section 19: W 1/2 E 1/2 NW 1/4 , W 1/2 NW 1/4 , W 1/2 NE 1/4 SW 1/4 , NW 1/4 SW 1/4 , S 1/2 SW 1/4;

(B) Section 29: SW 1/4 SW 1/4 NW 1/4 , NW 1/4 NW 1/4 SW 1/4 , S 1/2 N 1/2 SW 1/4 , S 1/2 SW1/4 , S 1/2 NW 1/4 SE 1/4 , SW 1/4 SE 1/4;

(C) Section 30: W 1/2 , SE 1/4; and

(D) Section 31: N 1/2 NE 1/4 , N 1/2 S 1/2 NE 1/4 , S 1/2 SE 1/4 NE 1/4 , NW 1/4 , E 1/2 SW 1/4 , N 1/2 NW 1/4 SW 1/4 , SE 1/4 NW 1/4 SW 1/4 , E 1/2 SW 1/4 SW 1/4 , SW 1/4 SW 1/4 SW 1/4.

(b) FUTURE TRUST LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, after the requirements of section 3109(a) have been met, and upon acquisition by the Zuni Tribe, the Secretary shall take the legal title of the following lands into trust for the benefit of the Zuni Tribe:

(1) In T. 14 N., R. 26E., Gila and Salt River Base and Meridian: Section 25: N 1/2 NE 1/4, N 1/2 S 1/2 NE 1/4, NW 1/4, N 1/2 NE 1/4 SW 1/4, NE 1/4 NW 1/4 SW 1/4.

(2) In T. 14 N., R. 27 E., Gila and Salt River Base and Meridian:

(A) Section 14: SE 1/4 SW 1/4, SE 1/4;

(B) Section 16: S 1/2 SW 1/4 SE 1/4;

(C) Section 19: S 1/2 SE 1/4 SE 1/4;

(D) Section 20: S 1/2 SW 1/4 SW 1/4, E 1/2 SE 1/4 SE 1/4;

(E) Section 21: N 1/2 NE 1/4, E 1/2 NE 1/4 NW 1/4, SE 1/4 NW 1/4, W 1/2 SW 1/4 NE 1/4, N 1/2 NE 1/4 SW 1/4, SW 1/4 NE 1/4 SW 1/4, E 1/2 NW 1/4 SW 1/4, SW 1/4 NW 1/4 SW 1/4, W 1/2 SW 1/4 SW 1/4;

(F) Section 22: SW 1/4 NE 1/4 NE 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4, N 1/2 NW 1/4, SE 1/4 NW1/4, N 1/2 SW 1/4 NW 1/4, SE 1/4 SW 1/4 NW 1/4, N 1/2 N 1/2 SE 1/4, N 1/2 NE 1/4 SW 1/4;

(G) Section 24: N 1/2 NE 1/4, S 1/2 SE 1/4;

(H) Section 29: N 1/2 N 1/2;

(I) Section 30: N 1/2 N 1/2, N 1/2 S 1/2 NW 1/4, N 1/2 SW 1/4 NE 1/4; and

(J) Section 36: SE 1/4 SE 1/4 NE 1/4, NE 1/4 NE 1/4 SE 1/4.

(3) In T. 14 N., R. 28 E., Gila and Salt River Base and Meridian:

(A) Section 18: S 1/2 NE 1/4, NE 1/4 SW 1/4, NE 1/4 NW 1/4 SW 1/4, S 1/2 NW 1/4 SW 1/4, S 1/2 SW 1/4, N 1/2 SE 1/4, N 1/2 SW 1/4 SE 1/4, SE 1/4 SE 1/4;

(B) Section 30: S 1/2 NE 1/4, W 1/2 NW 1/4 NE 1/4; and

(C) Section 32: N 1/2 NW 1/4 NE 1/4, SW 1/4 NE 1/4, S 1/2 SE 1/4 NE 1/4, NW 1/4, SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4, N 1/2 SE 1/4 SE 1/4, SW 1/4 SE 1/4 SE 1/4.

(c) NEW RESERVATION LANDS.—Upon satisfaction of the conditions in paragraph 6.2 of the Settlement Agreement, after the requirements of section 3109(a) have been met, and upon acquisition by the Zuni Tribe, the Secretary shall take the legal title of the following lands in Arizona into trust for the benefit of the Zuni Tribe and make such lands part of the Zuni Indian Tribe Reservation in Arizona: Section 34, T. 14 N., R. 26 E., Gila and Salt River Base and Meridian.

(d) LIMITATION ON SECRETARIAL DISCRETION.—The Secretary shall have no discretion regarding the acquisitions described in subsections (a), (b), and (c).

(e) LANDS REMAINING IN FEE STATUS.—The Zuni Tribe may seek to have the legal title to additional lands in Arizona, other than the lands described in subsection (a), (b), or (c), taken into trust by the United States for the benefit of the Zuni Indian Tribe pursuant only to an Act of Congress enacted after the date of enactment of this Act specifically authorizing the transfer for the benefit of the Zuni Tribe.

(f) FINAL AGENCY ACTION.—Any written certification by the Secretary under subparagraph 6.2.B of the Settlement Agreement constitutes final agency action under the Administrative Procedure Act and is reviewable as provided for under chapter 7 of title 5, United States Code.

(g) NO FEDERAL WATER RIGHTS.—Lands taken into trust pursuant to subsection (a), (b), or (c) shall not have Federal reserved rights to surface water or groundwater.

(h) STATE WATER RIGHTS.—The water rights and uses for the lands taken into trust pursuant to subsection (a) or (c) must be determined under subparagraph 4.1.A and article 5 of the Settlement Agreement. With respect to the lands taken into trust pursuant to subsection (b), the Zuni Tribe retains any rights or claims to water associated with these lands under State law, subject to the terms of the Settlement Agreement.

(i) FORFEITURE AND ABANDONMENT.—Water rights that are appurtenant to lands taken into trust pursuant to subsection (a), (b), or (c) shall not be subject to forfeiture and abandonment.

(j) AD VALOREM TAXES.—With respect to lands that are taken into trust pursuant to subsection (a) or (b), the Zuni Tribe shall make payments in lieu of all current and future State, county, and local ad valorem property taxes that would otherwise be applicable to those lands if they were not in trust.

(k) AUTHORITY OF TRIBE.—For purposes of complying with this section and article 6 of the Settlement Agreement, the Tribe is authorized to enter into—

(1) the Intergovernmental Agreement between the Zuni Tribe, Apache County, Arizona, and the State of Arizona; and

(2) any intergovernmental agreement required to be entered into by the Tribe under the terms of the Intergovernmental Agreement.

(l) FEDERAL ACKNOWLEDGEMENT OF INTERGOVERNMENTAL AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall acknowledge the terms of any intergovernmental agreement entered into by the Tribe under this section.

(2) NO ABROGATION.—The Secretary shall not seek to abrogate, in any administrative or judicial action, the terms of any intergovernmental agreement that are consistent with subparagraph 6.2.A of the Settlement Agreement and this subtitle.

(3) REMOVAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if a judicial action is commenced during a dispute over any intergovernmental agreement entered into under this section, and the United States is allowed to intervene in such action, the United States shall not remove such action to the Federal courts.

(B) EXCEPTION.—The United States may seek removal if—

(i) the action concerns the Secretary's decision regarding the issuance of rights-of-way under section 3108(c);

(ii) the action concerns the authority of a Federal agency to administer programs or the issuance of a permit under—

(I) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(II) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(III) the Clean Air Act (42 U.S.C. 7401 et seq.); or

(IV) any other Federal law specifically addressed in intergovernmental agreements; or

(iii) the intergovernmental agreement is inconsistent with a Federal law for the protection of civil rights, public health, or welfare.

(m) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to affect the application of the Act of May 25, 1918 (25 U.S.C. 211) within the State of Arizona.

(n) DISCLAIMER.—Nothing in this section repeals, modifies, amends, changes, or otherwise affects the Secretary's obligations to the Zuni Tribe pursuant to the Act entitled ''An Act to convey certain lands to the Zuni Indian Tribe for religious purposes'' approved August 28, 1984 (Public Law 98-408; 98 Stat. 1533) (and as amended by the Zuni Land Conservation Act of 1990 (Public Law 101-486; 104 Stat. 1174)).

SEC. 3106. DEVELOPMENT FUND.

(a) ESTABLISHMENT OF THE FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ''Zuni Indian Tribe Water Rights Development Fund'', to be managed and invested by the Secretary, consisting of—

(A) the amounts authorized to be appropriated in section 3104(b); and

(B) the appropriation to be contributed by the State of Arizona pursuant to paragraph 7.6 of the Settlement Agreement.

(2) ADDITIONAL DEPOSITS.—The Secretary shall deposit in the Fund any other monies paid to the Secretary on behalf of the Zuni Tribe pursuant to the Settlement Agreement.

(b) MANAGEMENT OF THE FUND.—The Secretary shall manage the Fund, make investments from the Fund, and make monies available from the Fund for distribution to the Zuni Tribe consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) (referred to in this section as the ''Trust Fund Reform Act''), this subtitle, and the Settlement Agreement.

(c) INVESTMENT OF THE FUND.—The Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) subsection (b).

(d) AVAILABILITY OF AMOUNTS FROM THE FUND.—The funds authorized to be appropriated pursuant to section 3104(b)(2) and funds contributed by the State of Arizona pursuant to paragraph 7.6 of the Settlement Agreement shall be available for expenditure or withdrawal only after the requirements of section 3109(a) have been met.

(e) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Zuni Tribe may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) REQUIREMENTS.—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Zuni Tribe spend any funds in accordance with the purposes described in section 3104(b).

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any monies withdrawn from the Fund under the plan are used in accordance with this subtitle.

(3) LIABILITY.—If the Zuni Tribe exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Zuni Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the funds made available under this subtitle that the Zuni Tribe does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Zuni Tribe remaining in the Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

(5) ANNUAL REPORT.—The Zuni Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) FUNDS FOR ACQUISITION OF WATER RIGHTS.—

(1) WATER RIGHTS ACQUISITIONS.—Notwithstanding subsection (e), the funds authorized to be appropriated pursuant to section 3104(b)(1)—

(A) shall be available upon appropriation for use in accordance with section 3104(b)(1); and

(B) shall be distributed by the Secretary to the Zuni Tribe on receipt by the Secretary from the Zuni Tribe of a written notice and a tribal council resolution that describe the purposes for which the funds will be used.

(2) RIGHT TO SET OFF.—In the event the requirements of section 3109(a) have not been met and the Settlement Agreement has become null and void under section 3109(b), the United States shall be entitled to set off any funds expended or withdrawn from the amount appropriated pursuant to section 3104(b)(1), together with any interest accrued, against any claims asserted by the Zuni Tribe against the United States relating to water rights at the Zuni Heaven Reservation.

(3) WATER RIGHTS.—Any water rights acquired with funds described in paragraph (1) shall be credited against any water rights secured by the Zuni Tribe, or the United States on behalf of the Zuni Tribe, for the Zuni Heaven Reservation in the Little Colorado River General Stream Adjudication or in any future settlement of claims for those water rights.

(g) NO PER CAPITA DISTRIBUTIONS.—No part of the Fund shall be distributed on a per capita basis to members of the Zuni Tribe.

SEC. 3107. CLAIMS EXTINGUISHMENT; WAIVERS AND RELEASES.

(a) FULL SATISFACTION OF MEMBERS' CLAIMS.—

(1) IN GENERAL.—The benefits realized by the Tribe and its members under this subtitle, including retention of any claims and rights, shall constitute full and complete satisfaction of all members' claims for—

(A) water rights under Federal, State, and other laws (including claims for water rights in groundwater, surface water, and effluent) for Zuni Lands from time immemorial through the effective date described in section 3109(a) and any time thereafter; and

(B) injuries to water rights under Federal, State, and other laws (including claims for water rights in groundwater, surface water, and effluent, claims for damages for deprivation of water rights, and claims for changes to underground water table levels) for Zuni Lands from time immemorial through the effective date described in section 3109(a).

(2) NO RECOGNITION OR ESTABLISHMENT OF INDIVIDUAL WATER RIGHT.—Nothing in this subtitle recognizes or establishes any right of a member of the Tribe to water on the Reservation.

(b) TRIBE AND UNITED STATES AUTHORIZATION AND WATER QUANTITY WAIVERS.—The Tribe, on behalf of itself and its members and the Secretary on behalf of the United States in its capacity as trustee for the Zuni Tribe and its members, are authorized, as part of the performance of their obligations under the Settlement Agreement, to execute a waiver and release, subject to paragraph 11.4 of the Settlement Agreement, for claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation, under Federal, State, or other law for any and all—

(1) past, present, and future claims to water rights (including water rights in groundwater, surface water, and effluent) for Zuni Lands from time immemorial through the effective date described in section 3109(a) and any time thereafter, except for claims within the Zuni Protection Area as provided in article 5 of the Settlement Agreement;

(2) past and present claims for injuries to water rights (including water rights in groundwater, surface water, and effluent and including claims for damages for deprivation of water rights and any claims for changes to underground water table levels) for Zuni Lands from time immemorial through the effective date described in section 3109(a); and

(3) past, present, and future claims for water rights and injuries to water rights (including water rights in groundwater, surface water, and effluent and including any claims for damages for deprivation of water rights and any claims for changes to underground water table levels) from time immemorial through the effective date described in section 3109(a), and any time thereafter, for lands outside of Zuni Lands but located within the Little Colorado River basin in Arizona, based upon aboriginal occupancy of lands by the Zuni Tribe or its predecessors.

(c) TRIBAL WAIVERS AGAINST THE UNITED STATES.—The Tribe is authorized, as part of the performance of its obligations under the Settlement Agreement, to execute a waiver and release, subject to paragraphs 11.4 and 11.6 of the Settlement Agreement, for claims against the United States (acting in its capacity as trustee for the Zuni Tribe or its members, or otherwise acting on behalf of the Zuni Tribe or its members), including any agencies, officials, or employees thereof, for any and all—

(1) past, present, and future claims to water rights (including water rights in groundwater, surface water, and effluent) for Zuni Lands, from time immemorial through the effective date described in section 3109(a) and any time thereafter;

(2) past and present claims for injuries to water rights (including water rights in groundwater, surface water, and effluent and any claims for damages for deprivation of water rights) for Zuni Lands from time immemorial through the effective date described in section 3109(a);

(3) past, present, and future claims for water rights and injuries to water rights (including water rights in groundwater, surface water, and effluent and any claims for damages for deprivation of water rights) from time immemorial through the effective date described in section 3109(a), and any time thereafter, for lands outside of Zuni Lands but located within the Little Colorado River basin in Arizona, based upon aboriginal occupancy of lands by the Zuni Tribe or its predecessors;

(4) past and present claims for failure to protect, acquire, or develop water rights of, or failure to protect water quality for, the Zuni Tribe within the Little Colorado River basin in Arizona from time immemorial through the effective date described in section 3109(a); and

(5) claims for breach of the trust responsibility of the United States to the Zuni Tribe arising out of the negotiation of the Settlement Agreement or this subtitle.

(d) TRIBAL WAIVER OF WATER QUALITY CLAIMS AND INTERFERENCE WITH TRUST CLAIMS.—

(1) CLAIMS AGAINST THE STATE AND OTHERS.—

(A) INTERFERENCE WITH TRUST RESPONSIBILITY.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to waive and release all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for claims of interference with the trust responsibility of the United States to the Zuni Tribe arising out of the negotiation of the Settlement Agreement or this subtitle.

(B) INJURY OR THREAT OF INJURY TO WATER QUALITY.—The Tribe, on behalf of itself and its members, is authorized, as part of the performance of its obligations under the Settlement Agreement, to waive and release, subject to paragraphs 11.4, 11.6, and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for—

(i) any and all past and present claims, including natural resource damage claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, for injury to water quality accruing from time immemorial through the effective date described in section 3109(a), for lands within the Little Colorado River basin in the State of Arizona; and

(ii) any and all future claims, including natural resource damage claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, for injury or threat of injury to water quality, accruing after the effective date described in section 3109(a), for any lands within the Eastern LCR basin caused by—

(I) the lawful diversion or use of surface water;

(II) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(III) the Parties' performance of any obligations under the Settlement Agreement;

(IV) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(V) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(VI) any combination of the causes described in subclauses (I) through (V).

(2) CLAIMS OF THE UNITED STATES.—The Tribe, on behalf of itself and its members, is authorized to waive its right to request that the United States bring—

(A) any claims for injuries to water quality under the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) or any other applicable statute, for lands within the Little Colorado River Basin in the State of Arizona, accruing from time immemorial through the effective date described in section 3109(a); and

(B) any future claims for injuries or threat of injury to water quality under the natural resource damage provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), or any other applicable statute, accruing after the effective date described in section 3109(a), for any lands within the Eastern LCR basin, caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of any obligations under the Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v).

(3) LIMITATIONS.—Notwithstanding the authorization for the Tribe's waiver of future water quality claims in paragraph (1)(B)(ii) and the waiver in paragraph (2)(B), the Tribe, on behalf of itself and its members, retains any statutory claims for injury or threat of injury to water quality under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), as described in subparagraph 11.4(D)(3) and (4) of the Settlement Agreement, that accrue at least 30 years after the effective date described in section 3109(a).

(e) WAIVER OF UNITED STATES WATER QUALITY CLAIMS RELATED TO SETTLEMENT LAND AND WATER.—

(1) PAST AND PRESENT CLAIMS.—As part of the performance of its obligations under the Settlement Agreement, the United States waives and releases, subject to the retentions in paragraphs 11.4, 11.6 and 11.7 of the Settlement Agreement, all claims against the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation for—

(A) all past and present common law claims accruing from time immemorial through the effective date described in section 3109(a) arising from or relating to water quality in which the injury asserted is to the Tribe's interest in water, trust land, and natural resources in the Little Colorado River basin in the State of Arizona; and

(B) all past and present natural resource damage claims accruing through the effective date described in section 3109(a) arising from or relating to water quality in which the claim is based on injury to natural resources or threat to natural resources in the Little Colorado River basin in Arizona, only for those cases in which the United States, through the Secretary or other designated Federal official, would act on behalf of the Tribe as a natural resource trustee pursuant to the National Contingency Plan, as set forth, as of the date of enactment of this Act, in section 300.600(b)(2) of title 40, Code of Federal Regulations.

(2) FUTURE CLAIMS.—As part of the performance of its obligations under the Settlement Agreement, the United States waives and releases, subject to the retentions in paragraphs 11.4, 11.6 and 11.7 of the Settlement Agreement, the State of Arizona, or any agency or political subdivision thereof, or any other person, entity, corporation, or municipal corporation for—

(A) all future common law claims arising from or relating to water quality in which the injury or threat of injury asserted is to the Tribe's interest in water, trust land, and natural resources in the Eastern LCR basin in Arizona accruing after the effective date described in section 3109(a) caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area, as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of any obligations under the Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v); and

(B) all future natural resource damage claims accruing after the effective date described in section 3109(a) arising from or relating to water quality in which the claim is based on injury to natural resources or threat to natural resources in the Eastern LCR basin in Arizona, only for those cases in which the United States, through the Secretary or other designated Federal official, would act on behalf of the Tribe as a natural resource trustee pursuant to the National Contingency Plan, as set forth, as of the date of enactment of this Act, in section 300.600(b)(2) of title 40, Code of Federal Regulations, caused by—

(i) the lawful diversion or use of surface water;

(ii) the lawful withdrawal or use of underground water, except within the Zuni Protection Area as provided in article 5 of the Settlement Agreement;

(iii) the Parties' performance of their obligations under this Settlement Agreement;

(iv) the discharge of oil associated with routine physical or mechanical maintenance of wells or diversion structures not inconsistent with applicable law;

(v) the discharge of oil associated with routine start-up and operation of well pumps not inconsistent with applicable law; or

(vi) any combination of the causes described in clauses (i) through (v).

(f) EFFECT.—Subject to subsections (b) and (e), nothing in this subtitle or the Settlement Agreement affects any right of the United States, or the State of Arizona, to take any actions, including enforcement actions, under any laws (including regulations) relating to human health, safety and the environment.

SEC. 3108. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY.—If any party to the Settlement Agreement or a Pumping Protection Agreement files a lawsuit only relating directly to the interpretation or enforcement of this subtitle, the Settlement Agreement, an agreement described in paragraph (1), (2), or (3) of section 3104(c), or a Pumping Protection Agreement, naming the United States or the Tribe as a party, or if any other landowner or water user in the Little Colorado River basin in Arizona files a lawsuit only relating directly to the interpretation or enforcement of Article 11, the rights of de minimis users in subparagraph 4.2.D or the rights of underground water users under Article 5 of the Settlement Agreement, naming the United States or the Tribe as a party—

(1) the United States, the Tribe, or both may be added as a party to any such litigation, and any claim by the United States or the Tribe to sovereign immunity from such suit is hereby waived, other than with respect to claims for monetary awards except as specifically provided for in the Settlement Agreement; and

(2) the Tribe may waive its sovereign immunity from suit in the Superior Court of Apache County, Arizona for the limited purposes of enforcing the terms of the Intergovernmental Agreement, and any intergovernmental agreement required to be entered into by the Tribe under the terms of the Intergovernmental Agreement, other than with respect to claims for monetary awards except as specifically provided in the Intergovernmental Agreement.

(b) TRIBAL USE OF WATER.—

(1) IN GENERAL.—With respect to water rights made available under the Settlement Agreement and used on the Zuni Heaven Reservation—

(A) such water rights shall be held in trust by the United States in perpetuity, and shall not be subject to forfeiture or abandonment;

(B) State law shall not apply to water uses on the Reservation;

(C) the State of Arizona may not regulate or tax such water rights or uses (except that the court with jurisdiction over the decree entered pursuant to the Settlement Agreement or the Norviel Decree Court may assess administrative fees for delivery of this water);

(D) subject to paragraph 7.7 of the Settlement Agreement, the Zuni Tribe shall use water made available to the Zuni Tribe under the Settlement Agreement on the Zuni Heaven Reservation for any use it deems advisable;

(E) water use by the Zuni Tribe or the United States on behalf of the Zuni Tribe for wildlife or instream flow use, or for irrigation to establish or maintain wetland on the Reservation, shall be considered to be consistent with the purposes of the Reservation; and

(F)(i) not later than 3 years after the deadline described in section 3109(b), the Zuni Tribe shall adopt a water code to be approved by the Secretary for regulation of water use on the lands identified in subsections (a) and (b) of section 3105 that is reasonably equivalent to State water law (including statutes relating to dam safety and groundwater management); and

(ii) until such date as the Zuni Tribe adopts a water code described in clause (i), the Secretary, in consultation with the State of Arizona, shall administer water use and water regulation on lands described in that clause in a manner that is reasonably equivalent to State law (including statutes relating to dam safety and groundwater management).

(2) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Zuni Tribe or the United States shall not sell, lease, transfer, or transport water made available for use on the Zuni Heaven Reservation to any other place.

(B) EXCEPTION.—Water made available to the Zuni Tribe or the United States for use on the Zuni Heaven Reservation may be severed and transferred from the Reservation to other Zuni Lands if the severance and transfer is accomplished in accordance with State law (and once transferred to any lands held in fee, such water shall be subject to State law).

(c) RIGHTS-OF-WAY.—

(1) NEW AND FUTURE TRUST LAND.—The land taken into trust under subsections (a) and (b) of section 3105 shall be subject to existing easements and rights-of-way.

(2) ADDITIONAL RIGHTS-OF-WAY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary, in consultation with the Tribe, shall grant additional rights-of-way or expansions of existing rights-of-way for roads, utilities, and other accommodations to adjoining landowners if—

(i) the proposed right-of-way is necessary to the needs of the applicant;

(ii) the proposed right-of-way will not cause significant and substantial harm to the Tribe's wetland restoration project or religious practices; and

(iii) the proposed right-of-way acquisition will comply with the procedures in part 169 of title 25, Code of Federal Regulations, not inconsistent with this subsection and other generally applicable Federal laws unrelated to the acquisition of interests across trust lands.

(B) ALTERNATIVES.—If the criteria described in clauses (i) through (iii) of subparagraph (A) are not met, the Secretary may propose an alternative right-of-way, or other accommodation that complies with the criteria.

(d) CERTAIN CLAIMS PROHIBITED.—The United States shall make no claims for reimbursement of costs arising out of the implementation of this subtitle or the Settlement Agreement against any Indian-owned land within the Tribe's Reservation, and no assessment shall be made in regard to such costs against such lands.

(e) VESTED RIGHTS.—Except as described in paragraph 5.3 of the Settlement Agreement (recognizing the Zuni Tribe's use of 1,500 acre-feet per annum of groundwater) this subtitle and the Settlement Agreement do not create any vested right to groundwater under Federal or State law, or any priority to the use of groundwater that would be superior to any other right or use of groundwater under Federal or State law, whether through this subtitle, the Settlement Agreement, or by incorporation of any abstract, agreement, or stipulation prepared under the Settlement Agreement. Notwithstanding the preceding sentence, the rights of parties to the agreements referred to in paragraph (1), (2), or (3) of section 3104(c) and paragraph 5.8 of the Settlement Agreement, as among themselves, shall be as stated in those agreements.

(f) OTHER CLAIMS.—Nothing in the Settlement Agreement or this subtitle quantifies or otherwise affects the water rights, claims, or entitlements to water of any Indian tribe, band, or community, other than the Zuni Indian Tribe.

(g) NO MAJOR FEDERAL ACTION.—

(1) IN GENERAL.—Execution of the Settlement Agreement by the Secretary as provided for in section 3104(a) shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(2) SETTLEMENT AGREEMENT.—In implementing the Settlement Agreement, the Secretary shall comply with all aspects of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) all other applicable environmental laws (including regulations).

SEC. 3109. EFFECTIVE DATE FOR WAIVER AND RELEASE AUTHORIZATIONS.

(a) IN GENERAL.—The waiver and release authorizations contained in subsections (b) and (c) of section 3107 shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of all the following findings:

(1) This subtitle has been enacted in a form approved by the parties in paragraph 3.1.A of the Settlement Agreement.

(2) The funds authorized by section 3104(b) have been appropriated and deposited into the Fund.

(3) The State of Arizona has appropriated and deposited into the Fund the amount required by paragraph 7.6 of the Settlement Agreement.

(4) The Zuni Indian Tribe has either purchased or acquired the right to purchase at least 2,350 acre-feet per annum of surface water rights, or waived this condition as provided in paragraph 3.2 of the Settlement Agreement.

(5) Pursuant to subparagraph 3.1.D of the Settlement Agreement, the severance and transfer of surface water rights that the Tribe owns or has the right to purchase have been conditionally approved, or the Tribe has waived this condition as provided in paragraph 3.2 of the Settlement Agreement.

(6) Pursuant to subparagraph 3.1.E of the Settlement Agreement, the Tribe and Lyman Water Company have executed an agreement relating to the process of the severance and transfer of surface water rights acquired by the Zuni Tribe or the United States, the pass-through, use, or storage of the Tribe's surface water rights in Lyman Lake, and the operation of Lyman Dam.

(7) Pursuant to subparagraph 3.1.F of the Settlement Agreement, all the parties to the Settlement Agreement have agreed and stipulated to certain Arizona Game and Fish abstracts of water uses.

(8) Pursuant to subparagraph 3.1.G of the Settlement Agreement, all parties to the Settlement Agreement have agreed to the location of an observation well and that well has been installed.

(9) Pursuant to subparagraph 3.1.H of the Settlement Agreement, the Zuni Tribe, Apache County, Arizona and the State of Arizona have executed an Intergovernmental Agreement that satisfies all of the conditions in paragraph 6.2 of the Settlement Agreement.

(10) The Zuni Tribe has acquired title to the section of land adjacent to the Zuni Heaven Reservation described as Section 34, Township 14 North, Range 26 East, Gila and Salt River Base and Meridian.

(11) The Settlement Agreement has been modified if and to the extent it is in conflict with this subtitle and such modification has been agreed to by all the parties to the Settlement Agreement.

(12) A court of competent jurisdiction has approved the Settlement Agreement by a final judgment and decree.

(b) DEADLINE FOR EFFECTIVE DATE.—If the publication in the Federal Register required under subsection (a) has not occurred by December 31, 2006, sections 3104 and 3105, and any agreements entered into pursuant to sections 3104 and 3105 (including the Settlement Agreement and the Intergovernmental Agreement) shall not thereafter be effective and shall be null and void. Any funds and the interest accrued thereon appropriated pursuant to section 3104(b)(2) shall revert to the Treasury, and any funds and the interest accrued thereon appropriated pursuant to paragraph 7.6 of the Settlement Agreement shall revert to the State of Arizona.

Subtitle B—Quinault Indian Nation

SEC. 3201. QUINAULT INDIAN NATION WATER FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary of the Interior may carry out a water source, quantity, and quality feasibility study for the Quinault Indian Nation, to identify ways to meet the current and future domestic and commercial water supply and distribution needs of the Quinault Indian Nation on the Olympic Peninsula, Washington.

(b) PUBLIC AVAILABILITY OF RESULTS.—As soon as practicable after completion of a feasibility study under subsection (a), the Secretary of the Interior shall—

(1) publish in the Federal Register a notice of the availability of the results of the feasibility study; and

(2) make available to the public, on request, the results of the feasibility study.

Subtitle C—Santee Sioux Tribe of Nebraska Rural Water System Feasibility Study

SEC. 3301. STUDY; REPORT.

(a) STUDY.—Pursuant to reclamation laws, the Secretary of the Interior (referred to in this subtitle as the ''Secretary''), through the Bureau of Reclamation and in consultation with the Santee Sioux Tribe of Nebraska (referred to in this subtitle as the ''Tribe''), shall conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water treatment and distribution system for the Santee Sioux Tribe of Nebraska that could serve the tribal community and adjacent communities and incorporate population growth and economic development activities for a period of 40 years.

(b) COOPERATIVE AGREEMENT.—At the request of the Tribe, the Secretary shall enter into a cooperative agreement with the Tribe for activities necessary to conduct the study required by subsection (a) regarding which the Tribe has unique expertise or knowledge.

(c) REPORT.—Not later than 1 year after funds are made available to carry out this subtitle, the Secretary shall submit to Congress a report containing the results of the study required by subsection (a).

SEC. 3302. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $500,000 to carry out this subtitle.

TITLE IV—LAND PROVISIONS

Subtitle A—Agreement To Affirm Boundary Between Pubelo of Santa Clara and Pueblo of San ildefonso Aboriginal Land Within Garcia Canyon Tract

SEC. 4101. DEFINITIONS.

In this subtitle:

(1) AGREEMENT.—The term ''Agreement'' means the agreement entitled ''Agreement to Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract'', entered into by the Governors on December 20, 2000.

(2) BOUNDARY LINE.—The term ''boundary line'' means the boundary line established under section 4104(a).

(3) GOVERNORS.—The term ''Governors'' means—

(A) the Governor of the Pueblo of Santa Clara, New Mexico; and

(B) the Governor of the Pueblo of San Ildefonso, New Mexico.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PUEBLOS.—The term ''Pueblos'' means—

(A) the Pueblo of Santa Clara, New Mexico; and

(B) the Pueblo of San Ildefonso, New Mexico.

(6) TRUST LAND.—The term ''trust land'' means the land held by the United States in trust under section 4102(a) or 4103(a).

SEC. 4102. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of Santa Clara, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,484 acres of Bureau of Land Management land located in Rio Arriba County, New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located north of the boundary line;

(2) the southern half of T. 20 N., R. 7 E., sec. 23, New Mexico Principal Meridian;

(3) the southern half of T. 20 N., R. 7 E., sec. 24, New Mexico Principal Meridian;

(4) T. 20 N., R. 7 E., sec. 25, excluding the 5–acre tract in the southeast quarter owned by the Pueblo of San Ildefonso;

(5) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located north and east of the boundary line;

(6) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located north of the boundary line;

(7) the portion of T. 20 N., R. 8 E., sec. 19, New Mexico Principal Meridian, that is not included in the Santa Clara Pueblo Grant or the Santa Clara Indian Reservation; and

(8) the portion of T. 20 N., R. 8 E., sec. 30, that is not included in the Santa Clara Pueblo Grant or the San Ildefonso Grant.

SEC. 4103. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,000 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;

(2) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;

(3) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;

(4) T. 20 N., R. 7 E., sec. 34, New Mexico Principal Meridian; and

(5) the portion of T. 20 N., R. 7 E., sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

SEC. 4104. SURVEY AND LEGAL DESCRIPTIONS.

(a) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall, in accordance with the Agreement, complete a survey of the boundary line established under the Agreement for the purpose of establishing, in accordance with sections 4102(b) and 4103(b), the boundaries of the trust land.

(b) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—

(A) a legal description of the boundary line; and

(B) legal descriptions of the trust land.

(2) TECHNICAL CORRECTIONS.—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land provided in sections 4102(b) and 4103(b) to ensure that the descriptions are consistent with the terms of the Agreement.

(3) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

SEC. 4105. ADMINISTRATION OF TRUST LAND.

(a) IN GENERAL.—Effective beginning on the date of enactment of this Act—

(1) the land held in trust under section 4102(a) shall be declared to be a part of the Santa Clara Indian Reservation; and

(2) the land held in trust under section 4103(a) shall be declared to be a part of the San Ildefonso Indian Reservation.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The trust land shall be administered in accordance with any law (including regulations) or court order generally applicable to property held in trust by the United States for Indian tribes.

(2) PUEBLO LANDS ACT.—The following shall be subject to section 17 of the Act of June 7, 1924 (commonly known as the ''Pueblo Lands Act'') (25 U.S.C. 331 note):

(A) The trust land.

(B) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of Santa Clara in the Santa Clara Pueblo Grant.

(C) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of San Ildefonso in the San Ildefonso Pueblo Grant.

(c) USE OF TRUST LAND.—

(1) IN GENERAL.—Subject to the criteria developed under paragraph (2), the trust land may be used only for—

(A) traditional and customary uses; or

(B) stewardship conservation for the benefit of the Pueblo for which the trust land is held in trust.

(2) CRITERIA.—The Secretary shall work with the Pueblos to develop appropriate criteria for using the trust land in a manner that preserves the trust land for traditional and customary uses or stewardship conservation.

(3) LIMITATION.—Beginning on the date of enactment of this Act, the trust land shall not be used for any new commercial developments.

SEC. 4106. EFFECT.

Nothing in this subtitle—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of a person or entity (other than the United States) that is—

(A) in or to the trust land; and

(B) in existence before the date of enactment of this Act;

(2) enlarges, impairs, or otherwise affects a right or claim of the Pueblos to any land or interest in land that is—

(A) based on Aboriginal or Indian title; and

(B) in existence before the date of enactment of this Act;

(3) constitutes an express or implied reservation of water or water right with respect to the trust land; or

(4) affects any water right of the Pueblos in existence before the date of enactment of this Act.

Subtitle B—Additional Land Provisions

SEC. 4201. INDIAN LAND CONSOLIDATION ACT AMENDMENTS.

(a) TECHNICAL CORRECTION.—Section 206(c)(2)(B) of the Indian Land Consolidation Act (25 U.S.C. 2205(c)(2)(B)) is amended by striking ''207(a)(6)(B) of this Act'' and inserting ''207(a)(6)''.

(b) EFFECTIVE DATE.—Section 207(g) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)) is amended by striking paragraph (5) and inserting the following:

''(5) EFFECTIVE DATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), this section shall not apply to the estate of an individual who dies before the date that is 1 year after the date on which the Secretary makes the certification required under paragraph (4).

''(B) APPROVAL.—Subsection (e) takes effect on November 7, 2000.''.

(c) TRUST AND RESTRICTED LAND TRANSACTIONS.—Section 217(c) of the Indian Land Consolidation Act (25 U.S.C. 2216(c)) is amended—

(1) by striking the subsection heading and all that follows through the end of the first sentence and inserting the following:

''(c) ACQUISITION OF INTEREST BY SECRETARY.—

''(1) REQUEST.—

''(A) IN GENERAL.—An Indian, or the recognized tribal government of a reservation, that is in possession of any portion of the fee interest in a parcel of land described in subparagraph (B) may request that the interest be taken into trust by the Secretary.

''(B) LAND.—A parcel of land described in this subparagraph is any parcel of land—

''(i) that is located within a reservation; and

''(ii) at least a portion of the ownership interest in which is held by the Secretary, in trust or restricted status, on November 7, 2000.''; and

(2) in the second sentence, by striking ''Upon'' and inserting the following:

''(2) INTEREST.—Upon''.

SEC. 4202. MISSISSIPPI BAND OF CHOCTAW INDIANS.

Section 1(a)(2) of Public Law 106–228 (114 Stat. 462) is amended by striking ''report entitled'' and all that follows through ''is hereby declared'' and inserting the following: ''report entitled 'Report of May 17, 2002, Clarifying and Correcting Legal Descriptions or Recording Information for Certain Lands placed into Trust and Reservation Status for the Mississippi Band of Choctaw Indians by Section 1(a)(2) of Pub. L. 106–228, as amended by Title VIII, Section 811 of Pub. L. 106–568', on file in the Office of the Superintendent, Choctaw Agency, Bureau of Indian Affairs, Department of the Interior, is declared''.

SEC. 4203. REMOVAL OF RESTRICTIONS ON UTE TRIBE OF THE UINTAH AND OURAY RESERVATION LAND.

Section 3405(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended by striking paragraph (3) and inserting the following:

''(3) With respect to the land conveyed to the Tribe under subsection (b)—

''(A) the land shall not be subject to any Federal restriction on alienation; and

''(B) no grant, lease, exploration or development agreement, or other conveyance of the land (or any interest in the land) that is authorized by the governing body of the Tribe shall be subject to approval by the Secretary of the Interior or any other Federal official.''.

SEC. 4204. RESERVATION LAND OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS.

Section 7 of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712e) is amended in the third sentence by inserting before the period at the end the following: '', and shall be treated as on-reservation land for the purpose of processing acquisitions of real property into trust''.

SEC. 4205. DISPOSITION OF FEE LAND OF THE SEMINOLE TRIBE OF FLORIDA.

(a) TRANSACTIONS.—The Seminole Tribe of Florida may mortgage, lease, sell, convey, warrant, or otherwise transfer all or any part of any interest in any real property that—

(1) was held by the Tribe on September 1, 2002; and

(2) is not held in trust by the United States for the benefit of the Tribe.

(b) NO FURTHER APPROVAL REQUIRED.—Transactions under subsection (a) shall be valid without further approval, ratification, or authorization by the United States.

(c) TRUST LAND NOT AFFECTED.—Nothing in this section is intended or shall be construed to—

(1) authorize the Seminole Tribe of Florida to mortgage, lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Tribe; or

(2) affect the operation of any law governing mortgaging, leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

SEC. 4206. DISPOSITION OF FEE LAND OF THE SHAKOPEE MDEWAKANTON SIOUX COMMUNITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further authorization by the United States, the Shakopee Mdewakanton Sioux Community in the State of Minnesota (referred to in this section as the ''Community'') may lease, sell, convey, warrant, or otherwise transfer all or any part of the interest of the Community in or to any real property that is not held in trust by the United States for the benefit of the Community.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section—

(1) authorizes the Community to lease, sell, convey, warrant, or otherwise transfer all or part of an interest in any real property that is held in trust by the United States for the benefit of the Community; or

(2) affects the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in that trust land.

SEC. 4207. FACILITATION OF CONSTRUCTION OF PIPELINE TO PROVIDE WATER FOR EMERGENCY FIRE SUPPRESSION AND OTHER PURPOSES.

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to valid existing rights under Federal and State law, the land described in subsection (b), fee title to which is held by the Barona Band of Mission Indians of California (referred to in this section as the ''Band'')—

(1) is declared to be held in trust by the United States for the benefit of the Band; and

(2) shall be considered to be a portion of the reservation of the Band.

(b) LAND.—The land referred to in subsection (a) is land comprising approximately 85 acres in San Diego County, California, and described more particularly as follows: San Bernardino Base and Meridian; T. 14 S., R. 1 E.; sec. 21: W½SE¼, 68 acres; NW¼NW¼, 17 acres.

(c) GAMING.—The land taken into trust by subsection (a) shall neither be considered to have been taken into trust for gaming, nor be used for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

SEC. 4208. AGREEMENT WITH DRY PRAIRIE RURAL WATER ASSOCIATION, INCORPORATED.

Any agreement between the Tribe and Dry Prairie Rural Water Association, Incorporated (or any non-Federal successor entity) for the use of water to meet the needs of the Dry Prairie system that is entered into under section 5 of the Fort Peck Reservation Rural Water System Act of 2000 (114 Stat. 1454)—

(1) is approved by Congress; and

(2) shall be approved and executed by the Secretary.

TITLE V—LEASING PROVISIONS

SEC. 5001. AUTHORIZATION OF 99-YEAR LEASES FOR CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended in the second sentence—

(1) by inserting ''the reservation of the Confederated Tribes of the Umatilla Indian Reservation,'' before ''the Burns Paiute Reservation,'';

(2) by inserting ''the'' before ''Yavapai-Prescott''; and

(3) by striking ''Washington,,'' and inserting ''Washington,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to any lease entered into on, or renewed after, the date of enactment of this Act.

SEC. 5002. AUTHORIZATION OF 99-YEAR LEASES FOR YUROK TRIBE AND HOPLAND BAND OF POMO INDIANS.

(a) IN GENERAL.—The first section of the Act entitled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955 (25 U.S.C. 415(a)) is amended by inserting ''lands held in trust for the Yurok Tribe, lands held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria,'' after ''Pueblo of Santa Clara,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any lease entered into or renewed after the date of the enactment of this Act.

SEC. 5003. LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended by adding at the end the following:

''(g) LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.—

''(1) IN GENERAL.—Notwithstanding subsection (a) and any regulations under part 162 of title 25, Code of Federal Regulations, subject to paragraph (2), the Assiniboine and Sioux Tribes of the Fort Peck Reservation may lease to the Northern Border Pipeline Company tribally-owned land on the Fort Peck Indian Reservation for 1 or more interstate gas pipelines.

''(2) CONDITIONS.—A lease entered into under paragraph (1)—

''(A) shall commence during fiscal year 2011 for an initial term of 25 years;

''(B) may be renewed for an additional term of 25 years; and

''(C) shall specify in the terms of the lease an annual rental rate—

''(i) which rate shall be increased by 3 percent per year on a cumulative basis for each 5-year period; and

''(ii) the adjustment of which in accordance with clause (i) shall be considered to satisfy any review requirement under part 162 of title 25, Code of Federal Regulations.''.

SEC. 5004. LEASES OF RESTRICTED LAND.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended by adding at the end the following: ''Notwithstanding any other provision of law, no approval by the Secretary shall be required for any new lease, or for renewal of any existing lease, of land under this subsection if the lease, including all periods covered by any renewal, is for an aggregate term of less than 7 years.''.

TITLE VI—JUDGMENT FUND DISTRIBUTION

Subtitle A—Gila River Indian Community Judgment Fund Distribution

SEC. 6001. SHORT TITLE.

This subtitle may be cited as the ''Gila River Indian Community Judgment Fund Distribution Act of 2002''.

SEC. 6002. FINDINGS.

Congress finds that—

(1) on August 8, 1951, the Gila River Indian Community filed a complaint before the Indian Claims Commission in Gila River Pima-Maricopa Indian Community v. United States, Docket No. 236, for the failure of the United States to carry out its obligation to protect the use by the Community of water from the Gila River and the Salt River in the State of Arizona;

(2) except for Docket Nos. 236–C and 236–D, which remain undistributed, all 14 original dockets under Docket No. 236 have been resolved and distributed;

(3) in Gila River Pima-Maricopa Indian Community v. United States, 29 Ind. Cl. Comm. 144 (1972), the Indian Claims Commission held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236–C;

(4) in Gila River Pima-Maricopa Indian Community v. United States, 684 F.2d 852 (1982), the United States Claims Court held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236–D;

(5) with the approval of the Community under Community Resolution GR–98–98, the Community entered into a settlement with the United States on April 27, 1999, for claims made under Dockets Nos. 236–C and 236–D for an aggregate total of $7,000,000;

(6) on May 3, 1999, the United States Court of Federal Claims ordered that a final judgment be entered in consolidated Dockets Nos. 236–C and 236–D for $7,000,000 in favor of the Community and against the United States;

(7)(A) on October 6, 1999, the Department of the Treasury certified the payment of $7,000,000, less attorney fees, to be deposited in a trust account on behalf of the Community; and

(B) that payment was deposited in a trust account managed by the Office of Trust Funds Management of the Department of the Interior; and

(8) in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary is required to submit an Indian judgment fund use or distribution plan to Congress for approval.

SEC. 6003. DEFINITIONS.

In this subtitle:

(1) ADULT.—The term ''adult'' means an individual who—

(A) is 18 years of age or older as of the date on which the payment roll is approved by the Community; or

(B) will reach 18 years of age not later than 30 days after the date on which the payment roll is approved by the Community.

(2) COMMUNITY.—The term ''Community'' means the Gila River Indian Community.

(3) COMMUNITY-OWNED FUNDS.—The term ''Community-owned funds'' means—

(A) funds held in trust by the Secretary as of the date of enactment of this Act that may be made available to make payments under section 6101; or

(B) revenues held by the Community that—

(i) are derived from trust resources; and

(ii) qualify for an exemption under section 7 or 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

(4) IIM ACCOUNT.—The term ''IIM account'' means an individual Indian money account.

(5) JUDGMENT FUNDS.—The term ''judgment funds'' means the aggregate amount awarded to the Community by the Court of Federal Claims in Dockets Nos. 236–C and 236–D.

(6) LEGALLY INCOMPETENT INDIVIDUAL.—The term ''legally incompetent individual'' means an individual who has been determined to be incapable of managing his or her own affairs by a court of competent jurisdiction.

(7) MINOR.—The term ''minor'' means an individual who is not an adult.

(8) PAYMENT ROLL.—The term ''payment roll'' means the list of eligible, enrolled members of the Community who are eligible to receive a payment under section 6101(a), as prepared by the Community under section 6101(b).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

CHAPTER 1—GILA RIVER JUDGMENT FUND DISTRIBUTION

SEC. 6101. DISTRIBUTION OF JUDGMENT FUNDS.

(a) PER CAPITA PAYMENTS.—Notwithstanding the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) or any other provision of law (including any regulation promulgated or plan developed under such a law), the amounts paid in satisfaction of an award granted to the Gila River Indian Community in Dockets Nos. 236–C and 236–D before the United States Court of Federal Claims, less attorney fees and litigation expenses and including all accrued interest, shall be distributed in the form of per capita payments (in amounts as equal as practicable) to all eligible enrolled members of the Community.

(b) PREPARATION OF PAYMENT ROLL.—

(1) IN GENERAL.—The Community shall prepare a payment roll of eligible, enrolled members of the Community that are eligible to receive payments under this section in accordance with the criteria described in paragraph (2).

(2) CRITERIA.—

(A) INDIVIDUALS ELIGIBLE TO RECEIVE PAYMENTS.—Subject to subparagraph (B), the following individuals shall be eligible to be listed on the payment roll and eligible to receive a per capita payment under subsection (a):

(i) All enrolled Community members who are eligible to be listed on the per capita payment roll that was approved by the Secretary for the distribution of the funds awarded to the Community in Docket No. 236–N (including any individual who was inadvertently omitted from that roll).

(ii) All enrolled Community members who are living on the date of enactment of this Act.

(iii) All enrolled Community members who died—

(I) after the effective date of the payment plan for Docket No. 236–N; but

(II) on or before the date of enactment of this Act.

(B) INDIVIDUALS INELIGIBLE TO RECEIVE PAYMENTS.—The following individuals shall be ineligible to be listed on the payment roll and ineligible to receive a per capita payment under subsection (a):

(i) Any individual who, before the date on which the Community approves the payment roll, relinquished membership in the Community.

(ii) Any minor who relinquishes membership in the Community, or whose parent or legal guardian relinquishes membership on behalf of the minor, before the date on which the minor reaches 18 years of age.

(iii) Any individual who is disenrolled by the Community for just cause (such as dual enrollment or failure to meet the eligibility requirements for enrollment).

(iv) Any individual who is determined or certified by the Secretary to be eligible to receive a per capita payment of funds relating to a judgment—

(I) awarded to another community, Indian tribe, or tribal entity; and

(II) appropriated on or before the date of enactment of this Act.

(v) Any individual who is not enrolled as a member of the Community on or before the date that is 90 days after the date of enactment of this Act.

(c) NOTICE TO SECRETARY.—On approval by the Community of the payment roll, the Community shall submit to the Secretary a notice that indicates the total number of individuals eligible to share in the per capita distribution under subsection (a), as expressed in subdivisions that reflect—

(1) the number of shares that are attributable to eligible living adult Community members; and

(2) the number of shares that are attributable to deceased individuals, legally incompetent individuals, and minors.

(d) INFORMATION PROVIDED TO SECRETARY.—The Community shall provide to the Secretary enrollment information necessary to allow the Secretary to establish—

(1) estate accounts for deceased individuals described in subsection (c)(2); and

(2) IIM accounts for legally incompetent individuals and minors described in subsection (c)(2).

(e) DISBURSEMENT OF FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the payment roll is approved by the Community and the Community has reconciled the number of shares that belong in each payment subdivision described in subsection (c), the Secretary shall disburse to the Community the funds necessary to make the per capita distribution under subsection (a) to eligible living adult members of the Community described in subsection (c)(1).

(2) ADMINISTRATION AND DISTRIBUTION.—On disbursement of the funds under paragraph (1), the Community shall bear sole responsibility for administration and distribution of the funds.

(f) SHARES OF DECEASED INDIVIDUALS.—

(1) IN GENERAL.—The Secretary, in accordance with regulations promulgated by the Secretary and in effect as of the date of enactment of this Act, shall distribute to the appropriate heirs and legatees of deceased individuals described in subsection (c)(2) the per capita shares of those deceased individuals.

(2) ABSENCE OF HEIRS AND LEGATEES.—If the Secretary and the Community make a final determination that a deceased individual described in subsection (c)(2) has no heirs or legatees, the per capita share of the deceased individual and the interest earned on that share shall—

(A) revert to the Community; and

(B) be deposited into the general fund of the Community.

(g) SHARES OF LEGALLY INCOMPETENT INDIVIDUALS.—

(1) IN GENERAL.—The Secretary shall deposit the shares of legally incompetent individuals described in subsection (c)(2) in supervised IIM accounts.

(2) ADMINISTRATION.—The IIM accounts described in paragraph (1) shall be administered in accordance with regulations and procedures established by the Secretary and in effect as of the date of enactment of this Act.

(h) SHARES OF MINORS.—

(1) IN GENERAL.—The Secretary shall deposit the shares of minors described in subsection (c)(2) in supervised IIM accounts.

(2) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall hold the per capita share of a minor described in subsection (c)(2) in trust until such date as the minor reaches 18 years of age.

(B) NONAPPLICABLE LAW.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held by the Secretary under this subtitle.

(C) DISBURSEMENT.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in subsection (c)(2) until such date as the minor reaches 18 years of age.

(i) PAYMENT OF ELIGIBLE INDIVIDUALS NOT LISTED ON PAYMENT ROLL.—

(1) IN GENERAL.—An individual who is not listed on the payment roll, but is eligible to receive a payment under this subtitle, as determined by the Community, may be paid from any remaining judgment funds after the date on which—

(A) the Community makes the per capita distribution under subsection (a); and

(B) all appropriate IIM accounts are established under subsections (g) and (h).

(2) INSUFFICIENT FUNDS.—If insufficient judgment funds remain to cover the cost of a payment described in paragraph (1), the Community may use Community-owned funds to make the payment.

(3) MINORS, LEGALLY INCOMPETENT INDIVIDUALS, AND DECEASED INDIVIDUALS.—In a case in which a payment described in paragraph (2) is to be made to a minor, a legally incompetent individual, or a deceased individual, the Secretary—

(A) is authorized to accept and deposit funds from the payment in an IIM account or estate account established for the minor, legally incompetent individual, or deceased individual; and

(B) shall invest those funds in accordance with applicable law.

(j) USE OF RESIDUAL FUNDS.—On request by the governing body of the Community to the Secretary, and after passage by the governing body of the Community of a tribal council resolution affirming the intention of the governing body to have judgment funds disbursed to, and deposited in the general fund of, the Community, any judgment funds remaining after the date on which the Community completes the per capita distribution under subsection (a) and makes any appropriate payments under subsection (i) shall be disbursed to, and deposited in the general fund of, the Community.

(k) REVERSION OF PER-CAPITA SHARES TO TRIBAL OWNERSHIP.—

(1) IN GENERAL.—In accordance with the first section of Public Law 87–283 (25 U.S.C. 164), the share for an individual eligible to receive a per-capita share under subsection (a) that is held in trust by the Secretary, and any interest earned on that share, shall be restored to Community ownership if, for any reason—

(A) subject to subsection (i), the share cannot be paid to the individual entitled to receive the share; and

(B) the share remains unclaimed for the 6-year period beginning on the date on which the individual became eligible to receive the share.

(2) REQUEST BY COMMUNITY.—In accordance with subsection (j), the Community may request that unclaimed funds described in paragraph (1)(B) be disbursed to, and deposited in the general fund of, the Community.

SEC. 6102. RESPONSIBILITY OF SECRETARY; APPLICABLE LAW.

(a) RESPONSIBILITY FOR FUNDS.—After the date on which funds are disbursed to the Community under section 6101(e)(1), the United States and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the funds disbursed.

(b) DECEASED AND LEGALLY INCOMPETENT INDIVIDUALS.—Funds subject to subsections (f) and (g) of section 6101 shall continue to be held in trust by the Secretary until the date on which those funds are disbursed under this subtitle.

(c) APPLICABILITY OF OTHER LAW.—Except as otherwise provided in this subtitle, all funds distributed under this subtitle shall be subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

CHAPTER 2—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

SEC. 6111. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 228.

(a) DEFINITION OF PLAN.—In this section, the term ''plan'' means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 228 of the United States Claims Court (52 Fed. Reg. 6887 (March 5, 1987)), as modified in accordance with Public Law 99–493 (100 Stat. 1241).

(b) CONDITIONS.—Notwithstanding any other provision of law, the Community shall modify the plan to include the following conditions with respect to funds distributed under the plan:

(1) APPLICABILITY OF OTHER LAW RELATING TO MINORS.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of this Act, by the Secretary.

(2) SHARE OF MINORS IN TRUST.—The Secretary shall hold a per capita share of a minor described in paragraph (1) in trust until such date as the minor reaches 18 years of age.

(3) DISBURSAL OF FUNDS FOR MINORS.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in paragraph (1) until such date as the minor reaches 18 years of age.

(4) USE OF REMAINING JUDGMENT FUNDS.—On request by the governing body of the Community, as manifested by the appropriate tribal council resolution, any judgment funds remaining after the date of completion of the per capita distribution under section 6101(a) shall be disbursed to, and deposited in the general fund of, the Community.

SEC. 6112. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 236–N.

(a) DEFINITION OF PLAN.—In this section, the term ''plan'' means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 236–N of the United States Court of Federal Claims (59 Fed. Reg. 31092 (June 16, 1994)).

(b) CONDITIONS.—

(1) PER CAPITA ASPECT.—Notwithstanding any other provision of law, the Community shall modify the last sentence of the paragraph under the heading ''Per Capita Aspect'' in the plan to read as follows: ''Upon request from the Community, any residual principal and interest funds remaining after the Community has declared the per capita distribution complete shall be disbursed to, and deposited in the general fund of, the Community.''.

(2) GENERAL PROVISIONS.—Notwithstanding any other provision of law, the Community shall—

(A) modify the third sentence of the first paragraph under the heading ''General Provisions'' of the plan to strike the word ''minors''; and

(B) insert between the first and second paragraphs under that heading the following: ''Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of the Gila River Indian Community Judgment Fund Distribution Act of 2002, by the Secretary. The Secretary shall hold a per capita share of a minor in trust until such date as the minor reaches 18 years of age. No judgment funds, or any interest earned on judgment funds, shall be disbursed from the account of a minor until such date as the minor reaches 18 years of age.''.

CHAPTER 3—EXPERT ASSISTANCE LOANS

SEC. 6121. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO GILA RIVER INDIAN COMMUNITY.

Notwithstanding any other provision of law—

(1) the balance of all outstanding expert assistance loans made to the Community under Public Law 88–168 (77 Stat. 301) and relating to Gila River Indian Community v. United States (United States Court of Federal Claims Docket Nos. 228 and 236 and associated subdockets) are canceled; and

(2) the Secretary shall take such action as is necessary—

(A) to document the cancellation of loans under paragraph (1); and

(B) to release the Community from any liability associated with those loans.

Subtitle B—Assiniboine and Sioux Tribes of the Fort Peck Reservation Judgment Fund Distribution

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the ''Assiniboine and Sioux Tribes of the Fort Peck Reservation Judgment Fund Distribution Act of 2002''.

SEC. 6202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) on December 18, 1987, the Assiniboine and Sioux Tribes of the Fort Peck Reservation and 5 individual Fort Peck tribal members filed a complaint before the United States Claims Court (currently the Court of Federal Claims) in Assiniboine and Sioux Tribes of the Fort Peck Reservation, et al. v. The United States of America, Docket No. 773–87–L to recover interest earned on trust funds while those funds were held in special deposit and IMPL-agency accounts;

(2) in the case referred to in paragraph (1), the Court held that the United States was liable for any income derived from investment of the trust funds of the Tribe and individual members of the Tribe for the period during which those funds were held in special deposit and IMPL-agency accounts;

(3) the plaintiffs in the case referred to in paragraph (1) entered into a settlement with the United States for claims made under Docket No. 773–87–L on December 31, 1998, for payment by the United States of—

(A) $1,339,415.33, representing interest earned on funds while held in Special Deposit accounts at the Fort Peck Agency during the period August 13, 1946, through September 30, 1981;

(B) $2,749,354.41, representing—

(i) interest on the principal indebtedness for the period from August 13, 1946, through July 31, 1998; plus

(ii) $364.27 in per diem interest on the principal indebtedness for each day during the period commencing August 1, 1998, and ending on the date on which the judgment is paid; and

(C) $350,000, representing the litigation costs and attorney's fees that the Tribe incurred to prosecute those claims;

(4) the terms of the settlement were approved by the Court on January 8, 1999, and judgment was entered on January 12, 1999;

(5) on March 18, 1999, $4,522,551.84 was transferred to the Department of the Interior;

(6) that judgment amount was deposited in an escrow account established to provide—

(A) $350,000 for the payment of attorney's fees and expenses; and

(B) $4,172,551.84 for pending Court-ordered distribution to the Tribe and individual Indian trust beneficiaries;

(7) on January 31, 2001, the Court approved a joint stipulation that established procedures for—

(A) identification of the class of individual Indians having an interest in the judgment;

(B) notice to and certification of that class; and

(C) the distribution of the judgment amount to the Tribe and affected class of individual Indians;

(8)(A) on or about February 14, 2001, in accordance with the Court-approved stipulation, $643,186.73 was transferred to an account established by the Secretary for the benefit of the Tribe; and

(B) that transferred amount represents—

(i) 54.2 percent of the Tribe's estimated 26-percent share of the amount referred to in paragraph (6)(B); plus

(ii) 50 percent of the Tribe's estimated 26-percent share of interest and capital gains earned on the judgment amount from the period beginning March 18, 1999, and ending on December 31, 2000;

(9) under the Court-approved stipulation—

(A) that transferred amount is to remain available for use by the Tribe in accordance with a plan adopted under the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.);

(B) the Tribe will most likely receive additional payments from the distribution amount once the identification of all individuals eligible to share in the distribution amount is completed and the pro rata shares are calculated; and

(C) those additional payments would include—

(i) the balance of the share of the Tribe of the distribution amount and investment income earned on the distribution amount;

(ii) the portion of the distribution amount that represents income derived on funds in special deposit accounts that are not attributable to the Tribe or any individual Indian; and

(iii) the portion of the distribution amount that represents shares attributable to individual Indians that—

(I) cannot be located for purposes of accepting payment; and

(II) will not be bound by the judgment in the case referred to in paragraph (1); and

(10) pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary is required to submit to Congress for approval an Indian judgment fund use or distribution plan.

SEC. 6203. DEFINITIONS.

In this subtitle:

(1) COURT.—The term ''Court'' means the United States Court of Federal Claims.

(2) DISTRIBUTION AMOUNT.—The term ''distribution amount'' means the amount referred to in section 6202(a)(6)(B).

(3) JUDGMENT AMOUNT.—The term ''judgment amount'' means the amount referred to in section 6202(a)(5).

(4) PRINCIPAL INDEBTEDNESS.—The term ''principal indebtedness'' means the sum referred to in section 6202(a)(3)(A).

(5) TRIBE.—The term ''Tribe'' means the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

SEC. 6204. DISTRIBUTION OF JUDGMENT FUNDS.

(a) IN GENERAL.—Notwithstanding any provision of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) to the contrary, the share of the Tribe of the distribution amount, and such additional amounts as may be awarded to the Tribe by the Court with respect to the case referred to in section 6202(a)(1) (including any interest accrued on those amounts)—

(1) shall be made available for tribal health, education, housing and social services programs of the Tribe, including—

(A) educational and youth programs;

(B) programs for improvement of facilities and housing;

(C) programs to provide equipment for public utilities;

(D) programs to provide medical assistance or dental, optical, or convalescent equipment; and

(E) programs to provide senior citizen and community services; and

(2) shall not be available for per capita distribution to any member of the Tribe.

(b) BUDGET SPECIFICATION.—The specific programs for which funds are made available under subsection (a)(1), and the amount of funds allocated to each of those programs, shall be specified in an annual budget developed by the Tribe and approved by the Secretary.

SEC. 6205. APPLICABLE LAW.

Except as provided in section 6204(a), all funds distributed under this subtitle are subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

TITLE VII—REPAYMENT OF EXPERT WITNESS LOANS

SEC. 7001. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE PUEBLO OF SANTO DOMINGO.

Notwithstanding any other provision of law—

(1) the balances of all expert assistance loans made to the Pueblo of Santo Domingo under Public Law 88–168 (77 Stat. 301), and relating to Pueblo of Santo Domingo v. United States (Docket No. 355 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary of the Interior shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Pueblo of Santo Domingo from any liability associated with any loan described in paragraph (1).

SEC. 7002. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE OGLALA SIOUX TRIBE.

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Oglala Sioux Tribe under Public Law 88–168 (77 Stat. 301), and relating to Oglala Sioux Tribe v. United States (Docket No. 117 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary of the Interior shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Oglala Sioux Tribe from any liability associated with any loan described in paragraph (1).

SEC. 7003. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE SEMINOLE TRIBE OF OKLAHOMA.

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Seminole Tribe of Oklahoma under Public Law 88–168 (77 Stat. 301), and relating to Seminole Tribe of Oklahoma v. United States (Docket No. 247 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary of the Interior shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Seminole Tribe of Oklahoma from any liability associated with any loan described in paragraph (1).

TITLE VIII—HEALTH-RELATED PROVISIONS

SEC. 8001. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

The Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act is amended—

(1) in section 3504 (106 Stat. 4732), by adding at the end the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''; and

(2) by striking section 3511 (106 Stat. 4739) and inserting the following:

''SEC. 3511. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

''There is authorized to be appropriated to the Secretary of Health and Human Services for the construction of a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota, $20,000,000.''.

SEC. 8002. HEALTH CARE FUNDING ALLOCATION, EAGLE BUTTE SERVICE UNIT.

Section 117 of the Indian Health Care Improvement Act (25 U.S.C. 1616j) is amended by adding at the end the following:

''(g) CHEYENNE RIVER SIOUX TRIBE BONUS PAYMENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, to promote more efficient use of the health care funding allocation for fiscal year 2003, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may carry out a program under which a health professional may be paid—

''(A) a base salary in an amount up to the highest grade and step available to a physician, pharmacist, or other health professional, as the case may be; and

''(B) a recruitment or retention bonus of up to 25 percent of the base salary rate of the health professional.

''(2) MONITORING AND REPORTING.—If the Service implements the program under paragraph (1), the Service shall—

''(A) monitor the program closely; and

''(B) not later than September 30, 2003, submit to the Committee on Indian Affairs of the Senate and the Committee on Resources and the Committee on Energy and Commerce of the House of Representatives a report that includes an evaluation of the program.''.

SEC. 8003. INDIAN HEALTH DEMONSTRATION PROJECT.

Section 10 of the Ponca Restoration Act (25 U.S.C. 983h) is amended by adding at the end the following:

''(e) DEMONSTRATION PROJECT.—The Director of the Indian Health Service shall direct the Aberdeen Area Office of the Indian Health Service to carry out, in coordination with the Tribe, a demonstration project to determine—

''(1) the ability of an urban, restored facility of the Tribe to provide health services to members residing in Douglas County and Sarpy County, Nebraska, and Pottawattamie County, Iowa;

''(2) the viability of using third-party billing to enable a facility described in paragraph (1) to become self-sustaining; and

''(3) the effectiveness of using a computer-registered patient management system in the counties specified in paragraph (1).''.

SEC. 8004. ALASKA TREATMENT CENTERS AND FACILITIES.

Section 704(b)(4)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1665c(b)(4)(A)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(iii) the Yukon Kuskokwim Health Corporation, for the purpose of operating and maintaining a residential and outpatient child, youth, and family inhalant prevention and treatment program in Bethel, Alaska;

''(iv) the Southcentral Foundation, for the purpose of operating and maintaining a residential substance abuse, mental, and behavioral health treatment program for Alaska Native youth in need of those services in Anchorage, Alaska;

''(v) the Cook Inlet Tribal Council, for the purpose of operating and maintaining a residential treatment program, day treatment program, and continuing care program for alcohol and drug rehabilitation in Anchorage, Alaska; and

''(vi) the Southeast Alaska Regional Health Consortium, for the purpose of operating and maintaining a residential substance abuse treatment program for women with children in Sitka, Alaska.''.

TITLE IX—REAUTHORIZATION OF NATIVE AMERICAN PROGRAMS

SEC. 9001. BOSQUE REDONDO MEMORIAL ACT.

Section 206 of the Bosque Redondo Memorial Act (16 U.S.C. 431 note; Public Law 106–511) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $2,000,000 for fiscal year 2001.''; and

(2) in subsection (b), by striking ''2002'' and inserting ''2006,''.

SEC. 9002. NAVAJO-HOPI LAND SETTLEMENT ACT OF 1974.

Section 25(a)(8) of Public Law 93–531 (commonly known as the ''Navajo-Hopi Land Settlement Act of 1974'') (25 U.S.C. 640d–24(a)(8)) is amended by striking ''annually for fiscal years 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''for each of fiscal years 2002 through 2006''.

SEC. 9003. INDIAN HEALTH CARE IMPROVEMENT ACT.

(a) INDIAN HEALTH PROFESSIONAL PERSONNEL.—Title I of the Indian Health Care Improvement Act is amended by striking section 123 (25 U.S.C. 1616p) and inserting the following:

''SEC. 123. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as are necessary for each of fiscal years 2002 and 2003.''.

(b) HEALTH SERVICES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) INTERMEDIATE ADOLESCENT MENTAL HEALTH SERVICES.—Section 209(m) of the Indian Health Care Improvement Act (25 U.S.C. 1621h(m)) is amended by striking paragraph (6) and inserting the following:

''(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003.''.

(B) CALIFORNIA CONTRACT HEALTH SERVICES DEMONSTRATION PROGRAM.—Section 211 of the Indian Health Care Improvement Act (25 U.S.C. 1621j) is amended by striking subsection (g) and inserting the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003.''.

(C) PATIENT TRAVEL COSTS.—Section 213 of the Indian Health Care Improvement Act (25 U.S.C. 1621*l*) is amended by striking subsection (b) and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003.''.

(D) EPIDEMIOLOGY CENTERS.—Section 214(b) of the Indian Health Care Improvement Act (25 U.S.C. 1621m(b)) is amended by striking paragraph (6) and inserting the following:

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 and 2003.''.

(E) COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.—Section 215 of the Indian Health Care Improvement Act (25 U.S.C. 1621n) is amended by striking subsection (g) and inserting the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003.''.

(F) INDIAN YOUTH GRANT PROGRAM.—Section 216 of the Indian Health Care Improvement Act (25 U.S.C. 1621o) is amended by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003.''.

(2) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—Title II of the Indian Health Care Improvement Act is amended by striking section 224 (25 U.S.C. 1621w) and inserting the following:

''SEC. 224. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title (other than sections 209(m), 211(g), 213(b), 214(b)(6), 215(g), and 216(e)) such sums as are necessary for each of fiscal years 2002 and 2003.''.

(c) HEALTH FACILITIES.—Title III of the Indian Health Care Improvement Act is amended by striking section 309 (25 U.S.C. 1638a) and inserting the following:

''SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as are necessary for each of fiscal years 2002 and 2003.''.

(d) ACCESS TO HEALTH SERVICES.—Title IV of the Indian Health Care Improvement Act is amended by striking section 407 (25 U.S.C. 1647) and inserting the following:

''SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as are necessary for each of fiscal years 2002 and 2003.''.

(e) HEALTH SERVICES FOR URBAN INDIANS.—Title V of the Indian Health Care Improvement Act is amended by striking section 514 (25 U.S.C. 1660d) and inserting the following:

''SEC. 514. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as are necessary for each of fiscal years 2002 and 2003.''.

(f) ORGANIZATIONAL IMPROVEMENTS.—Title VI of the Indian Health Care Improvement Act is amended by striking section 603 (25 U.S.C. 1663) and inserting the following:

''SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as are necessary for each of fiscal years 2002 and 2003.''.

(g) SUBSTANCE ABUSE PROGRAMS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) INDIAN WOMEN TREATMENT PROGRAMS.—Section 703 of the Indian Health Care Improvement Act (25 U.S.C. 1665b) is amended by striking subsection (d) and inserting the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003.

''(2) GRANTS.—Of the funds made available under paragraph (1) for a fiscal year, 20 percent shall be used to provide grants to urban Indian organizations funded under title V.''.

(B) GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER.—Section 706 of the Indian Health Care Improvement Act (25 U.S.C. 1665e) is amended by striking subsection (d) and inserting the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003.''.

(C) FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT GRANTS.—Section 708(f)(2) of the Indian Health Care Improvement Act (25 U.S.C. 1665g) is amended by striking subsection (f) and inserting the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003.

''(2) GRANTS.—Of the funds made available under paragraph (1) for a fiscal year, 10 percent shall be used to provide grants to urban Indian organizations funded under title V (including to carry out demonstration projects that involve 1 or more Indian tribes, tribal organizations, or urban Indian organizations working with organizations such as the National Organization on Fetal Alcohol Syndrome to carry out subparagraphs (A) and (F) of subsection (a)(2)).''.

(D) THUNDER CHILD TREATMENT CENTER.—Section 710 of the Indian Health Care Improvement Act (25 U.S.C. 1665i) is amended—

(i) by striking ''(b) For the purposes of'' and all that follows through ''No funding'' and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003.

''(2) STAFFING AND OPERATION.—No funding''; and

(ii) in the third sentence, by striking ''None of the funding'' and inserting the following:

''(3) ADMINISTRATIVE PURPOSES.—None of the funding''.

(E) SUBSTANCE ABUSE COUNSELOR EDUCATION DEMONSTRATION PROJECT.—Section 711 of the Indian Health Care Improvement Act (25 U.S.C. 1665j) is amended by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003, to remain available until expended.''.

(2) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—Title VII of the Indian Health Care Improvement Act is amended by striking section 714 (25 U.S.C. 1665m) and inserting the following:

''SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title (other than sections

703(d), 706(d), 708(f), 710(b), and 711(h)) such sums as are necessary for each of fiscal years 2002 and 2003.''.

(h) MISCELLANEOUS.—

(1) HOME- AND COMMUNITY-BASED CARE DEMONSTRATION PROJECT.—Section 821 of the Indian Health Care Improvement Act (25 U.S.C. 1680k) is amended by striking subsection (i) and inserting the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003, to remain available until expended.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Title VIII of the Indian Health Care Improvement Act is amended by striking section 825 (25 U.S.C. 1680o) and inserting the following:

''SEC. 825. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title (other than section 821) such sums as are necessary for each of fiscal years 2002 and 2003.''.

SEC. 9004. INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.

(a) TRIBAL ACTION PLANS.—

(1) IN GENERAL.—Section 4206(d) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412(d)) is amended—

(A) by striking ''(1) The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(B) by striking paragraph (2) and inserting the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 and 2003.''.

(2) ADDITIONAL AUTHORIZATION.—Section 4206(f) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412(f)) is amended—

(A) by striking ''(f)(1) The Secretary'' and inserting the following:

''(f) GRANTS FOR IN-SCHOOL TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary'';

(B) in paragraph (2)—

(i) by striking ''(2) Funds'' and inserting the following:

''(2) USE OF FUNDS.—Funds''; and

(ii) by indenting subparagraphs (A) through (E) appropriately; and

(C) by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 and 2003.''.

(b) NEWSLETTER.—Section 4210 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2416) is amended by striking subsection (b) and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003.''.

(c) INDIAN EDUCATION PROGRAMS.—Section 4212(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2432(a)) is amended—

(1) in the first sentence, by striking ''The Assistant Secretary of Indian Affairs'' and inserting the following:

''(1) IN GENERAL.—The Assistant Secretary of Indian Affairs'';

(2) in the second sentence, by striking ''The Assistant Secretary shall'' and inserting the following:

''(2) DEFRAYMENT OF COSTS.—The Assistant Secretary shall''; and

(3) by striking the third sentence and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 and 2003.''.

(d) EMERGENCY SHELTERS.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out planning and design, construction, and renovation of, or to purchase or lease land or facilities for, emergency shelters and halfway houses to provide emergency care for Indian youth, such sums as are necessary for each of fiscal years 2002 and 2003.

''(2) STAFFING AND OPERATION.—There is authorized to be appropriated for staffing and operation of emergency shelters and halfway houses described in paragraph (1) $7,000,000 for each of fiscal years 2002 and 2003.

''(3) ALLOCATION.—

''(A) IN GENERAL.—The Secretary of the Interior shall allocate funds made available under this subsection to Indian tribes on the basis of priority of need of the Indian tribes.

''(B) CONTRACTING AND GRANTS.—Funds allocated under subparagraph (A) shall be subject to contracting or available for grants under the Indian Self-Determination Act (25 U.S.C. 450f et seq.).'';

(2) in paragraph (4), by striking ''(4) Funds'' and inserting the following:

''(4) CONDITIONS FOR USE.—Funds''; and

(3) in paragraph (5)—

(A) by striking ''(5) Nothing in this Act may be construed'' and inserting the following:

''(5) EFFECT ON OTHER AUTHORITY.—Nothing in this Act'';

(B) in subparagraph (A)—

(i) by striking ''to limit'' and inserting ''limits''; and

(ii) by striking ''houses, or'' and inserting ''houses; or''; and

(C) in subparagraph (B), by striking ''to require'' and inserting ''requires''.

(e) ILLEGAL NARCOTICS TRAFFIC ON THE TOHONO O'ODHAM AND ST. REGIS RESERVATIONS; SOURCE ERADICATION.—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

''(A) to carry out paragraph (1)(A), $1,000,000 for each of fiscal years 2002 and 2003; and

''(B) to carry out provisions of this subsection other than paragraph (1)(A), such sums as are necessary for each of fiscal years 2002 and 2003.''; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 and 2003.''.

(f) BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT AND JUDICIAL TRAINING.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended by striking subsection (b) and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003.''.

(g) JUVENILE DETENTION CENTERS.—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453) is amended by striking subsection (b) and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 and 2003.''.

SEC. 9005. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT.

(a) INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.—Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002 and 2003.''.

(b) INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.—Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2002 and 2003.''.

(c) INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.—Section 411 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3210) is amended by striking subsection (i) and inserting the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2002 and 2003.''.

SEC. 9006. NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

(a) NATIVE HAWAIIAN HEALTH CARE SYSTEMS.—Section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705) is amended by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2002 and 2003.''.

(b) NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.—Section 10 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2002 and 2003.''.

SEC. 9007. FOUR CORNERS INTERPRETIVE CENTER ACT.

Section 7 of the Four Corners Interpretive Center Act (Public Law 106–143; 113 Stat. 1706) is amended—

(1) in subsection (a)(2), by striking ''2005'' and inserting ''2007'';

(2) in subsection (b), by striking ''2002'' and inserting ''2004''; and

(3) in subsection (c), by striking ''2001'' and inserting ''2003''.

SEC. 9008. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by striking subsection (b) and inserting the following:

''(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There is authorized to be appropriated to the Environmental Dispute Resolution Fund established by section 10 $4,000,000 for each of fiscal years 2004 through 2008, of which—

''(1) $3,000,000 shall be used to pay operations costs (including not more than $1,000 for official reception and representation expenses); and

''(2) $1,000,000 shall be used for grants or other appropriate arrangements to pay the

costs of services provided in a neutral manner relating to, and to support the participation of non-Federal entities (such as State and local governments, tribal governments, nongovernmental organizations, and individuals) in, environmental conflict resolution proceedings involving Federal agencies.''.

TITLE X—MISCELLANEOUS PROVISIONS

Subtitle A—Cultural Provisions

SEC. 10101. OKLAHOMA NATIVE AMERICAN CULTURAL CENTER AND MUSEUM.

(a) FINDINGS.—Congress makes the following findings:

(1) In order to promote better understanding between Indian and non-Indian citizens of the United States, and in light of the Federal Government's continuing trust responsibilities to Indian tribes, it is appropriate, desirable, and a proper function of the Federal Government to provide grants for the development of a museum designated to display the heritage and culture of Indian tribes.

(2) In recognition of the unique status and history of Indian tribes in the State of Oklahoma and the role of the Federal Government in such history, it is appropriate and proper for the museum referred to in paragraph (1) to be located in the State of Oklahoma.

(b) GRANT.—

(1) IN GENERAL.—The Director shall offer to award financial assistance equaling not more than $33,000,000 and technical assistance to the Authority to be used for the development and construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma.

(2) AGREEMENT.—To be eligible to receive a grant under paragraph (1), the appropriate official of the Authority shall—

(A) enter into a grant agreement with the Director which shall specify the duties of the Authority under this section, including provisions for continual maintenance of the Center by the Authority without the use of Federal funds; and

(B) demonstrate, to the satisfaction of the Director, that the Authority has raised, or has commitments from private persons or State or local government agencies for, an amount that is equal to not less than 66 percent of the cost to the Authority of the activities to be carried out under the grant.

(3) LIMITATION.—The amount of any grant awarded under paragraph (1) shall not exceed 33 percent of the cost of the activities to be funded under the grant.

(4) IN-KIND CONTRIBUTION.—When calculating the cost share of the Authority under this Act, the Director shall reduce such cost share obligation by the fair market value of the approximately 300 acres of land donated by Oklahoma City for the Center, if such land is used for the Center.

(c) DEFINITIONS.—For the purposes of this Act:

(1) AUTHORITY.—The term ''Authority'' means the Native American Cultural and Educational Authority of Oklahoma, and agency of the State of Oklahoma.

(2) CENTER.—The term ''Center'' means the Native American Cultural Center and Museum authorized pursuant to this section.

(3) DIRECTOR.—The term ''Director'' means the Director of the Institute of Museum and Library Services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director to grant assistance under subsection (b)(1), $8,250,000 for each of fiscal years 2003 through 2006.

SEC. 10102. REHABILITATION OF CELILO INDIAN VILLAGE.

Section 401(b)(3) of Public Law 100–581 (102 Stat. 2944) is amended by inserting ''and Celilo Village'' after ''existing sites''.

SEC. 10103. CONVEYANCE OF NATIVE ALASKAN OBJECTS.

Notwithstanding any provision of law affecting the disposal of Federal property, on the request of the Chugach Alaska Corporation or Sealaska Corporation, the Secretary of Agriculture shall convey to whichever of those corporations that has received title to a cemetery site or historical place on National Forest System land conveyed under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) all artifacts, physical remains, and copies of any available field records that—

(1)(A) are in the possession of the Secretary of Agriculture; and

(B) have been collected from the cemetery site or historical place; but

(2) are not required to be conveyed in accordance with the Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.) or any other applicable law.

Subtitle B—Self-Determination Provisions

SEC. 10201. INDIAN SELF-DETERMINATION ACT AMENDMENTS.

(a) APPLICATION OF LAWS TO ADMINISTRATIVE APPEALS.—Section 110 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450m–1) is amended by striking subsection (c) and inserting the following:

''(c) APPLICATION OF LAWS TO ADMINISTRATIVE APPEALS.—

''(1) IN GENERAL.—The Equal Access to Justice Act (5 U.S.C. 504 note; Public Law 96–481), section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, shall apply to an administrative appeal by a tribal organization that—

''(A) is pending on or filed after October 5, 1988; and

''(B) relates to a contract, a grant agreement, or any other agreement or compact authorized under—

''(i) this Act; or

''(ii) the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.).

''(2) FEE.—

''(A) IN GENERAL.—In the case of any claim for a fee described in subparagraph (B), the fee shall be $125 per hour, unless an appropriate Federal agency determines by regulation that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys or agents for the proceedings involved, justifies a higher fee.

''(B) DESCRIPTION OF CLAIM.—A claim described in this subparagraph is—

''(i) a claim by a person for a fee for services relating to an appeal described in paragraph (1) that are performed on or after March 29, 1996; or

''(ii) a claim by a person for a fee for services that—

''(I) is asserted on or after March 29, 1996; but

''(II) is for a fee for services relating to an appeal described in paragraph (1) performed before that date.''.

(b) INCORPORATION OF SELF-DETERMINATION PROVISIONS.—Section 403 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc) is amended by striking subsection (l) and inserting the following:

''(l) INCORPORATION OF SELF-DETERMINATION PROVISIONS.—

''(1) IN GENERAL.—At the option of any participating Indian tribe, any or all of the provisions of title I or V shall be incorporated in a compact or funding agreement entered into under this title.

''(2) FORCE AND EFFECT.—A provision incorporated under paragraph (1) shall—

''(A) have the same force and effect as if included in this title; and

''(B) be deemed to—

''(i) supplement or supplant any related provision in this title, as appropriate; and

''(ii) apply to any agency subject to this title.

''(3) TIMING.—In any case in which an Indian tribe requests incorporation of a provision under paragraph (1) during the negotiation stage of a compact or funding agreement described in that paragraph, the incorporation shall—

''(A) be considered to be effective immediately; and

''(B) control the negotiation and any resulting compact or funding agreement.''.

Subtitle C—Indian Arts and Crafts

SEC. 10301. INDIAN ARTS AND CRAFTS ACT AMENDMENTS.

Section 2(g) of the Act of August 27, 1935 (25 U.S.C. 305a(g)), is amended—

(1) in paragraph (1), by inserting ''trademarks for'' after ''products and'';

(2) in paragraph (3), by striking ''and assign it and the goodwill associated with it to an individual Indian or Indian tribe without charge; and'' and inserting a semicolon;

(3) in paragraph (4), by striking ''to pursue or defend in the courts any appeal or proceeding with respect to any final determination of that office'' and inserting ''to file with the United States Patent and Trademark Office, and prosecute, an application for any trademark or other mark described in paragraph (1) that is owned by an individual Indian, Indian tribe, or Indian arts and crafts organization, for registration without charge in the United States Patent and Trademark Office''; and

(4) by inserting after the semicolon at the end the following: ''(5)(A) to assign any trademark described in paragraph (2) that is owned by the Federal Government, and the goodwill associated with the trademark, to an individual Indian, Indian tribe, or Indian arts and crafts organization; and (B) to record any such assignment in the United States Patent and Trademark Office, without charge; and (6) to pursue or defend in the appropriate courts of the United States any appeal or proceeding with respect to any final determination of the United States Patent and Trademark Office;''.

Subtitle D—Certification of Rental Proceeds

SEC. 10401. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under section 1 of Public Law 91–229 (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

SA 4981. Mr. REID (for Mr. INOUYE) proposed an amendment to amendment SA 4980 proposed by Mr. REID (for Mr. INOUYE (for himself and Mr. CAMPBELL)) to the bill S. 2711, to reauthorize and improve programs relating to Native Americans; as follows:

Beginning on page 1–1, strike line 1 and all that follows through page 1–8, line 21.

Beginning on page 2–8, strike line 9 and all that follows through page 2–12, line 9.

Beginning on page 4–9, strike line 3 and all that follows through page 4–10, line 22, and insert the following:

SEC. 4201. INDIAN LAND CONSOLIDATION ACT AMENDMENTS.

Section 217(c) of the Indian Land Consolidation Act (25 U.S.C. 2216(c)) is amended—

(1) by striking the subsection heading and all that follows through the end of the first sentence and inserting the following:

''(c) ACQUISITION OF INTEREST BY SECRETARY.—

''(1) REQUEST.—

''(A) IN GENERAL.—An Indian, or the recognized tribal government of a reservation, that is in possession of any portion of the fee interest in a parcel of land described in subparagraph (B) may request that the interest be taken into trust by the Secretary.

''(B) LAND.—A parcel of land described in this subparagraph is any parcel of land—

''(i) that is located within a reservation; and

''(ii) at least a portion of the ownership interest in which is held by the Secretary, in trust or restricted status, on November 7, 2000.''; and

(2) in the second sentence, by striking ''Upon'' and inserting the following:

''(2) INTEREST.—Upon''.

On page 4–15, strike lines 6 through 16 and insert the following:

SEC. 4208. AGREEMENT WITH DRY PRAIRIE RURAL WATER ASSOCIATION, INCORPORATED.

(a) IN GENERAL.—The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation (referred to in this section as the ''Tribes'') may, with the approval of the Secretary of the Interior, enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck–Montana Compact (Montana Code Annotated 85–20–201) for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated (or any successor entity), pursuant to section 5 of the Fort Peck Reservation Rural Water System Act of 2000 (114 Stat. 1454).

(b) CONDITIONS OF LEASE.—With respect to a lease or other temporary conveyance described in subsection (a)—

(1) the term of the lease or conveyance shall not exceed 100 years; and

(2)(A) the lease or conveyance may be approved by the Secretary of the Interior without monetary compensation to the Tribes; and

(B) the Secretary of the Interior shall not be subject to liability for any claim or cause of action relating to the compensation or consideration received by the Tribes under the lease or conveyance.

(c) NO PERMANENT ALIENATION OF WATER.—Nothing in this section authorizes any permanent alienation of any water by the Tribes.

Beginning on page 10–4, strike line 19 and all that follows through page 10–9, line 14, and insert the following:

Subtitle B—Indian Probate Reform

SEC. 10201. SHORT TITLE.

This subtitle may be cited as the ''Indian Probate Reform Act of 2002''.

SEC. 10202. FINDINGS.

Congress makes the following findings:

(1) The General Allotment Act of 1887 (commonly known as the 'Dawes Act'), which authorized the allotment of Indian reservations, did not allow Indian allotment owners to provide for the testamentary disposition of the land that was allotted to those owners.

(2) The Dawes Act provided that allotments would descend according to State law of intestate succession based on the location of the allotment.

(3) The Federal Government's reliance on the State law of intestate succession with respect to the descendency of allotments has resulted in numerous problems affecting Indian tribes, their members, and the Federal Government. Those problems include—

(A) the increasing fractionated ownership of trust and restricted land as that land is inherited by successive generations of owners as tenants in common;

(B) the application of different rules of intestate succession to each of a decedent's interests in trust and restricted land if that land is located within the boundaries of more than 1 State, which application makes probate planning unnecessarily difficult and impedes efforts to provide probate planning assistance or advice;

(C) the absence of a uniform general probate code for trust and restricted land which makes it difficult for Indian tribes to work cooperatively to develop tribal probate codes; and

(D) the failure of Federal law to address or provide for many of the essential elements of general probate law, either directly or by reference, which is unfair to the owners of trust and restricted land and their heirs and devisees and which makes probate planning more difficult.

(4) Based on the problems identified in paragraph (3), a uniform Federal probate code would likely—

(A) reduce the number of unnecessary fractionated interests in trust or restricted land;

(B) facilitate efforts to provide probate planning assistance and advice;

(C) facilitate inter-tribal efforts to produce tribal probate codes pursuant to section 206 of the Indian Land Consolidation Act (25 U.S.C. 2205); and

(D) provide essential elements of general probate law that are not applicable on the date of enactment of this subtitle to interests in trust or restricted land.

CHAPTER 1—INDIAN PROBATE REFORM

SEC. 10211. INDIAN PROBATE REFORM.

(a) TESTAMENTARY DISPOSITION.—Subsection (a) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206(a)) is amended to read as follows:

''(a) TESTAMENTARY DISPOSITION.—

''(1) GENERAL DEVISE OF AN INTEREST IN TRUST OR RESTRICTED LAND.—

''(A) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted property, or a tribal probate code enacted pursuant to section 206, the owner of an interest in trust or restricted land may devise such an interest to the Indian tribe with jurisdiction over the land so devised, or to any Indian in trust or restricted status or as a passive trust interest (as provided for in section 207A).

''(B) STATUS.—The devise of an interest in trust or restricted land to an Indian under subparagraph (A) shall not alter the status of such an interest as a trust or restricted interest unless the testator provides that the interest is to be held as a passive trust interest.

''(2) DEVISE OF TRUST OR RESTRICTED LAND IN PASSIVE TRUST OR FEE STATUS.—

''(A) IN GENERAL.—Except as provided in any applicable Federal law, any interest in trust or restricted land that is not devised pursuant to paragraph (1) may only be devised—

''(i) as a life estate to any non-Indian person (the remainder interest may only be devised pursuant to clause (ii), subparagraph (C), or paragraph (1)(A));

''(ii)(I) to the testator's lineal descendant or heir of the 1st or 2nd degree as a passive trust interest (to be known as an 'eligible passive trust devisee'); or

''(II) if the testator does not have an heir of the 1st or 2nd degree or a lineal descendant, to any lineal descendant of a testator's Indian grandparent as a passive trust interest (to be known as an 'eligible passive trust devisee'); or

''(iii) in fee status as provided for in subparagraph (C).

''(B) PRESUMED DEVISE OF PASSIVE TRUST INTEREST.—Any devise to an eligible passive trust devisee, including the devise of a remainder interest from the devise of a life estate under subparagraph (A)(ii), that does not indicate whether the interest is devised as a passive trust interest or a fee interest shall be construed to devise a passive trust interest.

''(C) DEVISE OF A FEE INTEREST.—Subject to subparagraph (D), any interest in trust or restricted land that is not devised pursuant to paragraph (1), or devised to an eligible passive trust devisee pursuant to subparagraph (A), may be devised to a non-Indian in fee status.

''(D) LIMITATION.—Any interest in trust or restricted land that is subject to section 4 of the Act of June 18, 1934 (25 U.S.C. 464) may only be devised pursuant to such section 4, subparagraph (A) of this paragraph, or paragraph (1) of this subsection.

''(3) DEVISE OF A PASSIVE TRUST INTEREST.—

''(A) IN GENERAL.—The holder of an interest in trust or restricted land that is held as a passive trust interest may devise the interest as a passive trust interest only to—

''(i) any Indian or the Indian tribe that exercises jurisdiction over the interest;

''(ii) the holder's lineal descendants or heirs of the first or second degree;

''(iii) any living descendant of the decedent from whom the holder acquired the interest by devise or descent; and

''(iv) any person who owns a pre-existing interest or a passive trust interest in the same parcel of land if the pre-existing interest is held in trust or restricted status or in passive trust status.

''(B) INELIGIBLE DEVISEES AND INTESTATE SUCCESSION.—A passive trust interest that is devised to a person who is not eligible under subparagraph (A) or that is not disposed of by a valid will shall pass pursuant to the applicable law of intestate succession as provided for in subsection (b).''.

(b) INTESTATE SUCCESSION.—Subsection (b) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206(b)) is amended to read as follows:

''(b) INTESTATE SUCCESSION.—

''(1) RULES OF DESCENT.—

''(A) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted property, any interest in trust or restricted land that is not disposed of by a valid will shall—

''(i) descend according to a tribal probate code that is approved pursuant to section 206; or

''(ii) in the case of an interest in trust or restricted land to which such a code does not apply, be considered an 'intestate interest' and descend pursuant to paragraph (2), this Act, and other applicable Federal law.

''(B) CLASSIFICATIONS.—For purposes of applying this subsection, intestate interests referred to in subparagraph (A)(ii) shall be classified as either—

''(i) a devise or inheritance interest (an interest acquired by a decedent through devise or inheritance); or

''(ii) an acquired interest (an interest acquired by a decedent by any means other than devise or inheritance and an interest acquired by a decedent through devise or inheritance)—

''(I) if the decedent—

''(aa) acquired additional undivided interests in the same parcel as the interest, by a means other than devise or inheritance; or

''(bb) acquired land adjoining the parcel of land that includes the interest; or

''(II) if the parcel of land that includes the interest includes the decedent's spouse's residence.

''(2) INTESTATE SUCCESSION.—An interest in trust or restricted land described in paragraph (1)(A)(ii) (an intestate interest) shall descend as provided for in this paragraph:

''(A) SURVIVING INDIAN SPOUSE.—If a decedent is survived by an Indian spouse and the decedent's estate includes—

''(i) one or more acquired interests, the decedent's spouse shall receive all such acquired interests; or

''(ii) one or more devise or inheritance Interests, and—

''(I) the decedent is not survived by an Indian heir of the first or second degree, the decedent's spouse shall receive all such devise or inheritance interests; or

''(II) the decedent is survived by an Indian heir of the first or second degree, the decedent's devise or inheritance interest shall descend pursuant to paragraph (3)(A).

''(B) SURVIVING NON-INDIAN SPOUSE.—If a decedent is survived by a non-Indian spouse and the decedent's estate includes—

''(i) one or more acquired interests, the decedent's spouse shall receive a life estate in such acquired interest, and if the decedent is—

''(I) survived by an Indian heir of the 1st or 2nd degree, the remainder interests shall descend pursuant to paragraph (3)(A); or

''(II) not survived by an Indian heir of the 1st or 2nd degree, the remainder interest shall descend pursuant to paragraph (3)(C); or

''(ii) one or more devise or inheritance interests, and the decedent is—

''(I) survived by an Indian heir of the 1st or 2nd degree, such devise or inheritance interests shall descend pursuant to paragraph (3)(A); or

''(II) not survived by an Indian heir of the 1st or 2nd degree, such devise or inheritance interest shall descend pursuant to paragraph (3)(C).

''(C) NO SURVIVING SPOUSE.—If the decedent is not survived by a spouse, and the decedent's estate includes one or more acquired interests or one or more devise or inheritance interests and the decedent is—

''(i) survived by an Indian heir of the 1st or 2nd degree, the acquired interests or devise or inheritance interests shall descend pursuant to paragraph (3)(A); or

''(ii) not survived by an Indian heir of the 1st or 2nd degree, the acquired interests or devise or inheritance interests shall descend pursuant to paragraph (3)(C).

''(3) RULES APPLICABLE TO INTESTATE SUCCESSION.—

''(A) INDIAN HEIRS.—For purposes of this subsection, Indian heirs of the 1st or 2nd degree shall inherit in the following order:

''(i) The Indian children of the decedent, in equal shares, or if one or more of those Indian children do not survive the decedent, such Indian children of the decedent's deceased child shall inherit by right of representation.

''(ii) If the decedent has no Indian children or grandchildren (that take by representation under clause (i)), to the decedent's Indian brothers and sisters in equal shares.

''(iii) If the decedent has no Indian brothers or sisters, to the decedent's Indian parent or parents.

''(B) RIGHT OF REPRESENTATION.—For purpose of this subsection, in any case involving the determination of a right of representation—

''(i) each interest in trust land shall be equally divided into a number of shares that equals the sum of—

''(I) the number of surviving heirs in the nearest degree of kinship; and

''(II) the number of deceased persons in that same degree, if any, who left issue who survive the decedent;

''(ii) each surviving heir described in clause (i)(I) shall receive 1 share; and

''(iii)(I) each deceased person described in clause (i)(II) shall receive 1 share; and

''(II) that share shall be divided equally among the surviving issue of the deceased person.

''(C) NO INDIAN HEIRS.—

''(i) IN GENERAL.—For purposes of this subsection, if a decedent does not have an Indian heir of the 1st or 2nd degree, an interest shall descend to an Indian collateral heir who is a co-owner of an interest owned by the decedent if any.

''(ii) MULTIPLE COLLATERAL HEIRS.—If—

''(I) more than one Indian collateral heir owns an interest in an interest referred to in clause (i), the interest shall descend to the collateral heir that owns the largest undivided interest in the parcel; or

''(II) two or more collateral heirs own equal shares in an interest referred to in clause (i), the interest passing pursuant to this subsection shall be divided equally between those collateral heirs that own equal shares.

''(iii) NO OWNERSHIP.—If none of the decedent's collateral heirs own an interest in the interest referred to in clause (i), the interest shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to clause (iv).

''(iv) ACQUISITION OF INTEREST.—Notwithstanding clause (iii), an Indian co-owner of a parcel of trust or restricted land may acquire an interest subject to such clause by paying into the decedent's estate, before the close of the probate of the decedent's estate, the fair market value of the interest in such land. If more than 1 Indian co-owner (including the Indian tribe referred to in clause (iii)) offers to pay for such an interest, the highest bidder shall acquire the interest.

''(v) DEFINITION.—In this subparagraph, the term 'collateral heir' means the decedent's aunt, uncle, niece, nephew, and first cousin.

''(4) SPECIAL RULE RELATING TO SURVIVAL.—For purposes of this section, an individual who fails to survive a decedent by at least 120 hours is deemed to have predeceased the decedent for the purposes of intestate succession, and the heirs of the decedent shall be determined accordingly. If it is not established by clear and convincing evidence that an individual who would otherwise be an heir survived the decedent by at least 120 hours, the individual shall be deemed to have failed to survive for the required time-period for the purposes of the preceding sentence.

''(5) PRETERMITTED SPOUSES AND CHILDREN.—

''(A) SPOUSES.—For the purposes of this section, if the surviving spouse of a testator married the testator after the testator executed his or her will, the surviving spouse shall receive the intestate share in trust or restricted land that the spouse would have otherwise received if the testator had died intestate. The preceding sentence shall not apply to an interest in trust or restricted land where—

''(i) the will is executed before the date of enactment of this subsection;

''(ii) the testator's spouse is a non-Indian and the testator has devised his or her interests in trust or restricted land to an Indian or Indians;

''(iii) it appears from the will or other evidence that the will was made in contemplation of the testator's marriage to the surviving spouse;

''(iv) the will expresses the intention that it is to be effective notwithstanding any subsequent marriage; or

''(v) the testator provided for the spouse by a transfer of funds or property outside of the will and an intent that the transfer be in lieu of a testamentary provision is demonstrated by the testator's statements or is reasonably inferred from the amount of the transfer or other evidence.

''(B) CHILDREN.—For the purposes of this section, if a testator executed his or her will prior to the birth or adoption of 1 or more children of the testator and the omission is the product of inadvertence rather than an intentional omission, those children shall share in the decedent's intestate interests in trust or restricted land as if the decedent had died intestate. Any person recognized as an heir by virtue of adoption under the Act of July 8, 1940 (54 Stat 746), shall be treated as a decedent's child under this section.

''(6) DIVORCE.—

''(A) SURVIVING SPOUSE.—

''(i) IN GENERAL.—For the purposes of this section, an individual who is divorced from the decedent, or whose marriage to the decedent has been annulled, shall not be considered to be a surviving spouse unless, by virtue of a subsequent marriage, the individual is married to the decedent at the time of death. A decree of separation that does not terminate the status of husband and wife shall not be considered a divorce for the purposes of this subsection.

''(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to prevent an entity responsible for adjudicating interests in trust or restricted land from giving force and effect to a property right settlement if one of the parties to the settlement dies before the issuance of a final decree dissolving the marriage of the parties to the property settlement.

''(B) EFFECT OF SUBSEQUENT DIVORCE ON A WILL OR DEVISE.—If after executing a will the testator is divorced or the marriage of the testator is annulled, upon the effective date of the divorce or annulment any disposition of interests in trust or restricted land made by the will to the former spouse shall be deemed to be revoked unless the will expressly provides otherwise. Property that is prevented from passing to a former spouse based on the preceding sentence shall pass as if the former spouse failed to survive the decedent. Any provision of a will that is revoked solely by operation of this paragraph shall be revived by the testator's remarriage to the former spouse.

''(7) NOTICE.—To the extent practicable, the Secretary shall notify the owners of trust and restricted land of the provisions of this Act. The notice may, at the discretion of the Secretary, be provided together with the notice required under section 207(g).''.

(c) RULE OF CONSTRUCTION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding at the end the following:

''(h) RULE OF CONSTRUCTION.—For purposes of subsections (a) and (b), any reference to 'applicable Federal law' shall be construed to include Public Law 91-627 (84 Stat. 1874, amending section 7 of the Act of August 9, 1946), Public Law 92-377 (86 Stat. 530), Public Law 92-443 (86 Stat. 744), Public Law 96-274 (94 Stat. 537), and Public Law 98-513 (98 Stat. 2411). Nothing in this section shall be construed to amend or alter such Public Laws or any other Federal law that provides for the devise and descent of any trust or restricted lands located on a specific Indian reservation.''.

(d) PASSIVE TRUST STATUS FOR TRUST OR RESTRICTED LAND.—The Indian Land Consolidation Act is amended by inserting after section 207 (25 U.S.C. 2206) the following:

''SEC. 207A. PASSIVE TRUST STATUS FOR TRUST OR RESTRICTED LAND.

''(a) PASSIVE TRUST.—The owner of an interest in trust or restricted land may submit an application to the Secretary requesting that such interest be held in passive trust interest status. Such application may authorize the Secretary to amend or alter any existing lease or agreement with respect to the interest that is the subject of the application.

''(b) APPROVAL.—Upon the approval of an application by the Secretary under subsection (a), an interest in trust or restricted land shall be held as a passive trust interest in accordance with this section.

''(c) REQUIREMENTS.—Except as provided in this section, an interest in trust or restricted land that is held as a passive trust interest under this section—

''(1) shall continue to be covered under any applicable tax-exempt status and continue to be subject to any restrictions on alienation until such interest is patented in fee status;

''(2) may, without the approval of the Secretary, be—

''(A) leased for a period of not to exceed 25 years;

''(B) mortgaged pursuant to the Act of March 29, 1956 (25 U.S.C. 483a); or

''(C) sold or conveyed to an Indian, the Indian tribe that exercises jurisdiction over the interest, or a co-owner of an interest in the same parcel of land if the co-owner owns a pre-existing trust, restricted interest, or a passive trust interest in the parcel; and

''(3) may be subject to an ordinance or resolution enacted under subsection (d).

''(d) ORDINANCE OR RESOLUTION FOR REMOVAL OF STATUS.—

''(1) IN GENERAL.—The governing body of the Indian tribe that exercises jurisdiction over an interest in trust or restricted land that is held as a passive trust interest in accordance with this section may enact an ordinance or resolution to allow the owner of such an interest to apply to the Secretary for the removal of the trust or restricted status of such portion of such lands that are subject to the tribe's jurisdiction.

''(2) REVIEW BY SECRETARY.—The Secretary shall review and may approve an ordinance or resolution enacted by an Indian tribe pursuant to paragraph (1) if the Secretary determines that the ordinance or resolution is consistent with this Act and will not increase fractionated ownership of Indian land.

''(e) REVENUES OR ROYALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not be responsible for the collection of or accounting for any lease revenues or royalties accruing to an interest held as a passive trust interest by any person under this section.

''(2) EXCEPTION.—Paragraph (1) shall not apply to an interest described in such paragraph if the Secretary approves an application to have such interest be taken into active trust status on behalf of an Indian or an Indian tribe pursuant to regulations enacted by the Secretary.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter the authority or responsibility of the Secretary, if any, with respect to an interest in trust or restricted land held in active trust status, including an undivided interest within the same parcel of land as an undivided passive trust interest.

''(f) JURISDICTION OVER PASSIVE TRUST INTEREST.—An Indian tribe that exercises jurisdiction over an interest in trust or restricted land that is devised or held as a passive trust interest under this section shall continue to exercise jurisdiction over the land that is held as a passive trust interest and any person holding, leasing, or otherwise using such land shall be deemed to have consented to the jurisdiction of such a tribe with respect to the use of such land, including any impacts associated with any use of such lands.

''(g) PROBATE OF PASSIVE TRUST INTERESTS.—An interest in trust or restricted land that is held as a passive trust interest under this section shall be subject to probate by the Secretary pursuant to this Act and other laws applicable to the probate of trust or restricted land. Any interested party may file an application to commence the probate of an interest in trust or restricted land held as a passive trust interest.

''(h) REGULATIONS.—The Secretary shall promulgate regulations to implement this section.''.

(e) PARTITION.—Section 205 of the Indian Land Consolidation Act (25 U.S.C. 2204) is amended by adding at the end the following:

''(c) PARTITION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, in accordance with this subsection and subject to paragraphs (2), (3), and (4)—

''(A) an Indian tribe may apply to the Secretary for the partition of a parcel of land that is—

''(i) located within the reservation of the Indian tribe; or

''(ii) otherwise under the jurisdiction of the Indian tribe; and

''(B) the Secretary may commence a process for partitioning a parcel of land as provided for in paragraphs (2)(B) and (6)(B), if—

''(i) an Indian tribe owns an undivided interest in the parcel of land and such tribe consents to the partition;

''(ii)(I) the tribe referred to in clause (i) meets the ownership requirement of clauses (i) or (ii) of paragraph (2)(B); or

''(II) the Secretary determines that it is reasonable to believe that the partition would be in accordance with paragraph (2)(B)(iii); and

''(iii) the tribe referred to in paragraph (3), if any, consents to the partition.

For purposes of this subsection, the term 'eligible Indian tribe' means an Indian tribe described in subparagraph (A) and (B)(i).

''(2) TRIBAL OWNERSHIP.—A parcel of land may be partitioned under this subsection if, with respect to the eligible Indian tribe involved—

''(A) the tribe owns an undivided interest in the parcel of land; and

''(B)(i) the tribe owns 50 percent or more of the undivided interest in the parcel;

''(ii) the tribe is the owner of the largest quantity of undivided interest in the parcel; or

''(iii) the owners of undivided interests equal to at least 50 percent of the undivided interests in the parcel (including any undivided interest owned by the tribe) consent or do not object to the partition.

''(3) TRIBAL CONSENT.—A parcel of land that is located within the reservation of an Indian tribe or otherwise under the jurisdiction of an Indian tribe shall be partitioned under this subsection only if the Indian tribe does not object to the partition.

''(4) APPLICABILITY.—This subsection shall not apply to any parcel of land that is the bona fide residence of any person unless the person consents to the partition in writing.

''(5) PARTITION IN KIND.—

''(A) IN GENERAL.—The Secretary shall commence the partition process described in subparagraph (B) if—

''(i) an eligible Indian tribe applies to partition a parcel of land under this paragraph; and

''(ii)(I) the Secretary determines that the Indian tribe meets the applicable ownership requirements of clause (i) or (ii) of paragraph (2)(B); or

''(II) the Secretary determines that it is reasonable to believe that the partition would be in accordance with paragraph (2)(B)(iii).

''(B) PARTITION PROCESS.—In carrying out any partition, the Secretary shall—

''(i) provide, to each owner of any undivided interest in the parcel to be partitioned, through publication or other appropriate means, notice of the proposed partition;

''(ii) make available to any interested party a copy of any proposed partition plan submitted by an Indian tribe or proposed by the Secretary; and

''(iii) review—

''(I) any proposed partition plan submitted by any owner of an undivided interest in the parcel; and

''(II) any comments or objections concerning a partition, or any proposed plan of partition, submitted by any owner or any other interested party.

''(C) DETERMINATION NOT TO PARTITION.—If the Secretary determines that a parcel of land cannot be partitioned in a manner that is fair and equitable to the owners of the parcel, the Secretary shall inform each owner of the parcel of—

''(i) the determination of the Secretary; and

''(ii) the right of the owner to appeal the determination.

''(D) PARTITION WITH CONSENT OF QUALIFIED INDIAN TRIBE.—If the Secretary determines that a parcel of land may be partitioned in a manner that is fair and equitable to the owners of the parcel, and the Indian tribe meets the applicable ownership requirements under clause (i) or (ii) of paragraph (2)(B), the Secretary shall—

''(i) approve a plan of partition;

''(ii) provide notice to the owners of the parcel of the determination of the Secretary;

''(iii) make a copy of the plan of partition available to each owner of the parcel; and

''(iv) inform each owner of the right to appeal the determination of the Secretary to partition the parcel in accordance with the plan.

''(E) PARTITION WITH CONSENT; IMPLIED CONSENT.—If the Secretary determines that a parcel may be partitioned in a manner that is fair and equitable to the owners of the parcel, but the Indian tribe involved does not meet the applicable ownership requirements under clause (i) or (ii) of paragraph (2)(B), the Secretary shall—

''(i)(I) make a plan of partition available to the owners of the parcel; and

''(II) inform the owners that the parcel will be partitioned in accordance with the plan if the owners of 50 percent or more of undivided ownership interest in the parcel either—

''(aa) consent to the partition; or

''(bb) do not object to the partition by such deadline as may be established by the Secretary;

''(ii) if the owners of 50 percent or more of undivided ownership interest in the parcel consent to the partition or do not object by a deadline established by the Secretary under clause (i)(II)(bb), inform the owners of the parcel that—

''(I) the plan for partition is final; and

''(II) the owners have the right to appeal the determination of the Secretary to partition the parcel; and

''(iii) if the owners of 50 percent or more of the undivided ownership interest in the parcel object to the partition, inform the Indian tribe of the objection.

''(F) SUCCESSIVE PARTITION PLANS.—In carrying out subparagraph (E) in accordance with paragraph (2)(B)(iii), the Secretary may, in accordance with subparagraph (E)—

''(i) approve 1 or more successive plans of partition; and

''(ii) make those plans available to the owners of the parcel.

''(G) PLAN OF PARTITION—A plan of partition approved by the Secretary in accordance with subparagraph (D) or (E)—

''(i) may determine that 1 or more of the undivided interests in a parcel are not susceptible to a partition in kind;

''(ii) may provide for the sale or exchange of those undivided interests to—

''(I) 1 or more of the owners of undivided interests in the parcel; or

''(II) the Secretary in accordance with section 213; and

''(iii) shall provide that the sale of any undivided interest referred to in clause (ii) shall be for not less than the fair market value of the interest.

''(6) PARTITION BY SALE.—

''(A) IN GENERAL.—The Secretary shall commence the partition process described in subparagraph (B) if—

''(i) an eligible Indian tribe applies to partition a parcel of land under this subsection; and

''(ii)(I) the Secretary determines that the Indian tribe meets the applicable ownership requirements of clause (i) or (ii) of paragraph (2)(B); or

''(II) the Secretary determines that it is reasonable to believe that the partition would be in accordance with paragraph (2)(B)(iii).

''(B) PARTITION PROCESS.—In carrying out any partition of a parcel, the Secretary—

''(i) shall conduct a preliminary appraisal of the parcel;

''(ii) shall provide, to the owners of the parcel, through publication or other appropriate means—

''(I) notice of the application of the Indian tribe to partition the parcel; and

''(II) access to the preliminary appraisal conducted in accordance with clause (i);

''(iii) shall inform each owner of the parcel of the right to submit to the Secretary comments relating to the preliminary appraisal;

''(iv) may, based on comments received under clause (iii), modify the preliminary appraisal or provide for the conduct of a new appraisal; and

''(v) shall—

''(I) issue a final appraisal for the parcel;

''(II) provide to the owners of the parcel and the appropriate Indian tribes access to the final appraisal; and

''(III) inform the Indian tribes of the right to appeal the final appraisal.

''(C) PURCHASE BY QUALIFIED INDIAN TRIBE.—If an eligible Indian tribe agrees to pay fair market value for a partitioned parcel, as determined by the final appraisal of the parcel issued under subparagraph (B)(v)(I) (including any appraisal issued by the Secretary after an appeal by the Indian tribe under subparagraph (B)(v)(III)), and the Indian tribe meets the applicable ownership requirements of clause (i) or (ii) of paragraph (2)(B), the Secretary shall—

''(i) provide to each owner of the parcel notice of the decision of the Indian tribe; and

''(ii) inform the owners of the right to appeal the decision (including the right to appeal any final appraisal of the parcel referred to in subparagraph (B)(v)(III)).

''(D) PARTITION WITH CONSENT; IMPLIED CONSENT.—

''(i) IN GENERAL.—If an eligible Indian tribe agrees to pay fair market value for a partitioned parcel, as determined by the final appraisal of the parcel issued under subparagraph (B)(v)(I) (including any appraisal issued by the Secretary after an appeal by the Indian tribe under subparagraph (B)(v)(III)), but does not meet the applicable ownership requirements of clause (i) or (ii) of paragraph (2)(B), the Secretary shall—

''(I) provide notice to the owners of the undivided interest in the parcel; and

''(II) inform the owners that the parcel will be partitioned by sale unless the partition is opposed by the owners of 50 percent or more of the undivided ownership interest in the parcel.

''(ii) FAILURE TO OBJECT TO PARTITION.—If the owners of 50 percent or more of undivided ownership interest in or to a parcel consent to the partition or the parcel, or do not object to the partition by such deadline as may be established by the Secretary, the Secretary shall inform the owners of the parcel of the right to appeal the determination of the Secretary (including the results of the final appraisal issued under subparagraph (B)(v)(I)).

''(iii) OBJECTION TO PARTITION.—If the owners of 50 percent or more of the undivided ownership interest in a parcel object to the partition of the parcel—

''(I) the Secretary shall notify the Indian tribe of the objection; and

''(II) the Indian tribe and the Secretary may agree to increase the amount offered to purchase the undivided ownership interests in the parcel.

''(7) ENFORCEMENT.—

''(A) IN GENERAL.—If, with respect to a parcel, a partition in kind is approved under subparagraph (D) or (E) of paragraph (5), or a partition by sale is approved under paragraph (6)(C), and the owner of an interest in or to the parcel fails or refuses to convey the interest to the Indian tribe, the Indian tribe or the United States may—

''(i) bring a civil action in the United States district court for the district in which the parcel is located; and

''(ii) request the court to issue an appropriate order for the partition in kind, or partition by sale to the Indian tribe, of the parcel.

''(B) FEDERAL ROLE.—With respect to any civil action brought under subparagraph (A)—

''(i) the United States—

''(I) shall receive notice of the civil action; and

''(II) may be a party to the civil action; and

''(ii) no civil action brought under this section shall be dismissed, and no relief requested shall be denied, on the ground that the civil action is against the United States or that the United States is an indispensable party.''.

SEC. 10212. OTHER AMENDMENTS.

(a) OTHER AMENDMENTS.—The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 205(a) (25 U.S.C. 2204(a)), by striking ''over 50 per centum of the undivided interests'' and inserting ''undivided interests equal to at least 50 percent of the undivided interest'';

(2) in section 206 (25 U.S.C. 2205)—

(A) in subsection (a), by striking paragraph (3) and inserting the following:

''(3) TRIBAL PROBATE CODES.—Except as provided in any applicable Federal law, the Secretary shall not approve a tribal probate code, or an amendment to such a code, that prevents the devise of an interest in trust or restricted land to—

''(A) an Indian lineal descendant of the original allottee; or

''(B) to an Indian who is not a member of the tribe that exercises jurisdiction over such an interest unless the code provides for the renouncing of interests (to eligible devisees pursuant to such a code), the opportunity for a devisee who is the testator's spouse or lineal descendant to reserve a life estate, and payment of fair market value in the manner prescribed under subsection (c)(2).'';

(B) in subsection (c)(1)—

(i) by striking ''section 207(a)(6)(A)'' and inserting ''sections 207(a)(2)(A)(ii), 207(a)(2)(C), and 207(a)(3)''; and

(ii) by striking the last sentence and inserting ''The Secretary shall transfer such payments to any person or persons who would have received an interest in land if the interest had not been acquired by the tribe pursuant to this paragraph.''; and

(C) in subsection (c)(2)—

(i) in subparagraph (A)—

(I) by striking ''(A) IN GENERAL.—Paragraph'' and inserting the following:

''(A) NONAPPLICABILITY TO CERTAIN INTERESTS.—

''(i) IN GENERAL.—Paragraph'';

(II) by striking ''if, while'' and inserting the following: ''if—

''(I) while'';

(III) by striking the period and inserting ''; or''; and

(IV) by adding at the end the following:

''(II) the interest is part of a family farm that is devised to a member of the decedent's family if the devisee agrees that the Indian tribe that exercises jurisdiction over the land will have the opportunity to acquire the interest for fair market value if the interest is offered for sale to an entity that is not a member of the family of the owner of the land.

''(ii) RECORDING OF INTEREST.—Upon the request of an Indian tribe described in clause (i)(II), a restriction relating to the acquisition by such tribe of an interest in the family farm involved shall be recorded as part of the deed relating to the interest involved.

''(iii) RULE OF CONSTRUCTION.—Nothing in clause (i)(II) shall be construed to prevent or limit the ability of an owner of land to which that clause applies to mortgage the land or to limit the right of the entity holding such a mortgage to foreclose or otherwise enforce such a mortgage agreement pursuant to applicable law.

''(iv) DEFINITION.—In this paragraph, the term 'member of the decedent's family' means the decedent's lineal descendant, a lineal descendant of the grandparent of the decedent, the spouse of any such descendant, or the decedent's spouse.''; and

(ii) in subparagraph (B), by striking ''subparagraph (A)'' and all that follows through ''207(a)(6)(B)'' and inserting ''paragraph (1)'';

(3) in section 207 (25 U.S.C. 2206)—

(A) in subsection (c)—

(i) by redesignating paragraph (3) as paragraph (4); and

(ii) by inserting after paragraph (2) the following:

''(3) ALIENATION OF JOINT TENANCY INTERESTS.—

''(A) IN GENERAL.—With respect to any interest held as a joint tenancy pursuant to this subsection—

''(i) nothing in this subsection shall be construed to alter the ability of the owner of such an interest to convey a life estate in the owner's undivided joint tenancy interest; and

''(ii) only the last remaining owner of such an interest may devise or convey more than a life estate in such an interest.

''(B) APPLICATION OF PROVISION.—This paragraph shall not apply to any conveyance, sale, or transfer that is part of an agreement referred to in subsection (e) or to a co-owner of a joint tenancy interest.''; and

(B) in subsection (g)(5), by striking ''this section'' and inserting ''subsections (a) and (b)'';

(4) in section 213 (25 U.S.C. 2212)—

(A) in subsection (a)(2), by striking ''(A) IN GENERAL.—'' and all that follows through ''subparagraph (A), the Secretary'' and inserting ''The Secretary'';

(B) in subsection (b)(4), by inserting before the period the following: ''through the use of policies and procedures designed to accommodate the voluntary sale of interests under the pilot program (established by this Act) though the elimination of duplicate conveyance documents, administrative proceedings, and transactions, notwithstanding the existence of any otherwise applicable policy, procedure, or regulation''; and

(C) in subsection (c)—

(i) in paragraph (1)(A), by striking ''landowner upon payment'' and all that follows through the period and inserting the following: ''landowner—

''(i) upon payment by the Indian landowner of the amount paid for the interest by the Secretary; or

''(ii) if the Indian referred to in this subparagraph provides assurance that the purchase price will be paid by pledging revenue from any source, including trust resources, and the Secretary determines that the purchase price will be paid in a timely and efficient manner.'';

(ii) in paragraph (1)(B), by inserting ''unless the interest is subject to a foreclosure of a mortgage pursuant to the Act of March 29, 1956 (25 U.S.C. 483a)'' before the period; and

(iii) in paragraph (3), by striking ''10 percent of more of the undivided interests'' and inserting ''an undivided interest'';

(5) in section 214 (25 U.S.C. 2213), by striking subsection (b) and inserting the following:

''(b) APPLICATION OF REVENUE FROM ACQUIRED INTERESTS TO LAND CONSOLIDATION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall have a lien on any revenue accruing to an interest described under subsection (a) until the Secretary provides for the removal of the lien under paragraph (3) or (4).

''(2) REQUIREMENTS.—Until Secretary removes the lien from an interest of land as provided for in paragraph (1)—

''(A) any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary;

''(B) any revenue derived from any interest acquired by the Secretary pursuant to section 213 shall be paid into the fund created under section 216; and

''(C) the Secretary may approve a transaction covered under this section on behalf of a tribe notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act') (25 U.S.C. 476).

''(3) FINDINGS BY SECRETARY.—The Secretary may remove a lien referred to in (1) if the Secretary makes a finding that—

''(A) the costs of administering the interest will equal or exceed the projected revenues for the parcel of land involved;

''(B) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel of land to generate revenue that equals the purchase price paid for the interest; or

''(C) a subsequent decrease in the value of land or commodities associated with the parcel of land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time.

''(4) REMOVAL OF LIEN.—Pursuant to the consultations referred to in section 213(b)(3), the Secretary shall periodically remove the lien referred to in paragraph (1) from interests in land acquired by the Secretary.'';

(6) in section 216 (25 U.S.C. 2215)—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) collect all revenues received from the lease, permit, or sale of resources from interests acquired under section 213 or paid by Indian landowners under section 213.''; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''Subject to paragraph (2), all'' and inserting ''All'';

(II) in subparagraph (A), by striking ''and'' at the end;

(III) in subparagraph (B), by striking the period and inserting ''; and''; and

(IV) by adding at the end the following:

''(C) be used to acquire undivided interests on the reservation where the income was derived.''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) USE OF FUNDS.—The Secretary may utilize the revenue deposited in the Acquisition Fund under paragraph (1) to acquire some or all of the undivided interests in any parcels of land pursuant to section 205.'';

(7) in section 217 (25 U.S.C. 2216)—

(A) in subsection (e)(3), by striking ''prospective applicants for the leasing, use, or consolidation of'' and insert ''any person that is leasing, using or consolidating, or is applying to, lease, use, or consolidate,''; and

(B) by striking subsection (f) and inserting the following:

''(f) PURCHASE OF LAND BY TRIBE.—

''(1) IN GENERAL.—Before the Secretary approves an application to terminate the trust status or remove the restrictions on alienation from a parcel of trust or restricted land, the Indian tribe that exercises jurisdiction over such a parcel shall have the opportunity to match any offer contained in such application, or where there is no purchase price offered, to acquire the interest in such land by paying the fair market value of such interest.

''(2) EXCEPTION FOR FAMILY FARMS.—Paragraph (1) shall not apply to a parcel of trust or restricted land that is part of a family farm that is conveyed to a member of the landowner's family (as defined in section 206(c)(2)(A)(iv)) if the tribe that exercises jurisdiction over the land is afforded the opportunity to purchase the interest if the interest is offered for sale to an entity that is not a member of the family of the owner of the land. Section 206(c)(2)(A) shall apply with respect to the recording and mortgaging of the trust or restricted land referred to in the preceding sentence.''; and

(8) in section 219(b)(1)(A) (25 U.S.C. 2219(b)(1)(A)), by striking ''100'' and inserting ''90''.

(b) DEFINITION.—

(1) IN GENERAL.—Section 202(2) of the Indian Land Consolidation Act (25 U.S.C. 2201(2)) is amended—

(A) by striking ''means any'' and inserting the following: ''means—

''(A) any'';

(B) by striking ''or any person who has been found to meet'' and inserting the following:

''(B) any person who meets''; and

(C) by striking ''if the Secretary'' and all that follows through the semicolon and inserting '', except that the Secretary may promulgate regulations to exclude any definition (except for definitions in laws that are related to land such as agriculture, grazing, housing, Indian schools, economic development, cultural resources, natural resources, and other laws providing for programs with benefits intended to run to Indian landowners and any future land-related programs) if the Secretary determines that the definition is not consistent with the purposes of this Act, or

''(C) with respect to the ownership, devise, or descent of trust or restricted land in the State of California, any person who meets the definition of Indians of California as contained in section 1 of the Act of May 18, 1928 (25 U.S.C. 651), until otherwise provided by Congress pursuant to section 809(b) of Public Law 94-437 (25 U.S.C. 1679(b));''.

(2) EFFECTIVE DATE.—Any exclusion referred to in the amendment made by paragraph (1)(C) shall apply only to those decedents who die after the Secretary of the Interior promulgates the regulation providing for such exclusion.

(c) MORTGAGES AND DEEDS OF TRUST.—The Act of March 29, 1956 (25 U.S.C. 483a) is amended in the first sentence of subsection (a) by inserting ''(including land owned by any person in passive trust status pursuant to section 207A of the Indian Land Consolidation Act)'' after ''land'' the first place that such appears.

(d) ISSUANCE OF PATENTS.—Section 5 of the Act of February 8, 1887 (25 U.S.C. 348) is amended by striking the second proviso and inserting the following: ''*Provided,* That the rules of intestate succession under the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act) shall apply thereto after those patents have been executed and delivered:''.

(e) TRANSFERS OF RESTRICTED INDIAN LAND.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464), is amended in the first proviso by striking '', in accordance with'' and all that follows through the colon and inserting ''in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act):''.

SEC. 10213. EFFECTIVE DATE.

This amendments made by this subtitle shall not apply to the estate of an individual who dies prior to the later of—

(1) the date that is 1 year after the date of enactment of this Act; or

(2) the date specified in section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)(5)).

CHAPTER 2—INHERITANCE OF CERTAIN TRUST OR RESTRICTED LANDS

SEC. 10221. INHERITANCE OF CERTAIN TRUST OR RESTRICTED LANDS.

Section 5 of Public Law 98–513 (98 Stat. 2411) is amended to read as follows:

''SEC. 5. (a) Notwithstanding any other provision of this Act—

''(1) subject to paragraph (2), the owner of an interest in trust or restricted land within the reservation may not devise an interest (including a life estate under section 4) in such land that is less than two and one half acres (or the equivalent thereof) to more than one tribal member;

''(2) the owner of an interest in trust or restricted land within the reservation may devise an interest (including a life estate under section 4) in such land that is less than two and one half acres (or the equivalent thereof) to more than one tribal member if each additional tribal member already holds an interest to such land; and

''(3) any interest in trust or restricted land within the reservation that is less than two and one half acres (or the equivalent thereof) that—

''(A) would otherwise pass by intestate succession (including a life estate in such land under section 4); or

''(B) is devised to more than one tribal member that is not described in paragraph (2);

shall escheat to the tribe, to be held in the name of the United States in trust for the tribe.

''(b) Not later than 180 days after the date of enactment of the Indian Probate Reform Act of 2002, the Secretary shall provide notice to owners of trust or restricted lands within the Lake Traverse Reservation of the enactment of this section by direct mail, publication in the Federal Register, or through local newspapers. After providing such notice, the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of such certification in the Federal Register.

''(c) The provisions of this section shall not be enforceable with respect to the estate of any person who dies prior to the day that is 365 days after the Secretary makes the required certification under subsection (b).''.

Subtitle C—Settlement of Certain Foreign Claims

SEC. 10301. SETTLEMENT OF CERTAIN CLAIMS.

(a) AUTHORIZATION FOR PAYMENT.—Subject to subsection (b), the Secretary of the Treasury shall pay to the Pottawatomi Nation in Canada, notwithstanding any other provision of law, $1,830,000 from amounts appropriated under section 1304 of title 31, United States Code.

(b) PAYMENT IN ACCORDANCE WITH STIPULATION FOR RECOMMENDATION OF SETTLEMENT.—The payment appropriated under subsection (a) shall be made in accordance with the terms and conditions of the Stipulation for Recommendation of Settlement dated May 22, 2000, entered into between the Pottawatomi Nation in Canada and the United States (in this subtitle referred to as the ''Stipulation for Recommendation of Settlement'') and included in the report of the Chief Judge of the United States Court of Federal Claims regarding Congressional Reference No. 94–1037X submitted to the Senate on January 4, 2001, pursuant to the provisions of sections 1492 and 2509 of title 28, United States Code.

(c) FULL SATISFACTION OF CLAIMS.—The payment made under subsection (a) shall be in full satisfaction of all claims of the Pottawatomi Nation in Canada against the United States referred to or described in the Stipulation for Recommendation of Settlement.

(d) NONAPPLICABILITY.—Notwithstanding any other provision of law, the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) shall not apply to the payment appropriated under subsection (a).

Subtitle D—Certification of Rental Proceeds

SEC. 10401. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under section 1 of Public Law 91–229 (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

Subtitle E—Tribal Sovereignty

SEC. 10601. TRIBAL SOVEREIGNTY.

Section 16 of the Act of June 18, 1934 (25 U.S.C. 476), is amended by adding at the end the following:

''(h) TRIBAL SOVEREIGNTY.—Notwithstanding any other provision of this Act—

''(1) each Indian tribe shall retain inherent sovereign power to adopt governing documents under procedures other than those specified in this section; and

''(2) nothing in this Act invalidates any constitution or other governing document adopted by an Indian tribe after June 18, 1934, in accordance with the authority described in paragraph (1).''.

SA 4982. Mr. REID (for Mr. KERRY (for himself and Mr. HOLLINGS)) proposed an amendment to the bill H.R. 1989. To reauthorize various fishing conservation management programs, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . AUTHORITY TO ACCEPT VOLUNTEER SERVICES.

Section 303 (33 U.S.C. 892a), is amended by adding at the end the following:

''(d) AUTHORITY TO ACCEPT VOLUNTEER SERVICES.—To help fulfill the duties of the Administrator, including authorities under the Act of 1947 (33 U.S.C. 883a et seq.), this Act, or in response to a maritime emergency, the Administrator may—

''(1) establish a volunteer program;

''(2) enter into special agreements with qualified organizations to assist in the implementation of a volunteer program; and

''(3) provide funding under the special agreement to the qualified organization for the purposes of assisting in the administration of the volunteer programs and for procuring and maintaining insurance or other coverage for the organization and its members when conducting volunteer activities.

''(e) LEGAL STATUS OF VOLUNTEERS.—Paragraphs (1) through (5) of section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)) shall apply to volunteers providing services to the Administrator under subsection (c) of this section, except that any reference in that section to the Secretary of the Interior or the Secretary of Commerce shall be deemed to refer to the Administrator.

''(f) QUALIFIED ORGANIZATION.—In this section, the term 'qualified organization' means a non-governmental, not-for-profit organization, determined by the Administrator to have demonstrated expertise in boating safety and a commitment to improving the quality of hydrographic services and related oceanographic and meteorological information that is made available to mariners.''.

SA 4983. Mr. REID (for Mr. KERRY) proposed an amendment to the bill H.R. 1989, to reauthorize various fishing conservation management programs, and for other purposes: as follows:

At the end of the bill, add the following:

TITLE VI—MISCELLANEOUS FISHERIES PROVISIONS

SEC. 601. REPORT ON OVERCAPACITY.

(a) IN GENERAL.—The Secretary of Commerce shall, within 12 months after the date of enactment of his Act, and triennially thereafter, submit to the Congress a report—

(1) identifying and describing the 20 fisheries in United States waters with the most severe examples of excess harvesting capacity in the fisheries, based on value of each fishery and the amount of excess harvesting capacity as determined by the Secretary;

(2) in any such fisheries subject to a rebuilding program, identifying and describing the current capacity relative to the capacity that can be supported by the fishery: once the fishery is rebuilt;

(3) recommending measures for reducing excess harvesting capacity, including the retirement of any latent fishing permits that could contribute to further excess harvesting capacity in those fisheries; and

(4) identifying potential sources of funding for such measures.

(b) BASIS FOR RECOMMENDATIONS.—The Secretary shall base the recommendations under subsection (a)(3) made with respect to a fishery on—

(1) the most cost-effective means of achieving voluntary reduction in capacity for the fishery using the potential for industry financing; and

(2) including measures to prevent the capacity that is being removed from the fishery from moving to other fisheries in the United States, in the waters of a foreign nation, or on the high seas.

SEC. 602. WEST COAST GROUNDFISH FISHERY CAPACITY REDUCTION.

(a) IN GENERAL.—

(1) PURPOSE OF SECTION.—The purpose of this section is to establish a fishing capacity reduction program for the West Coast ground-fish fishery pursuant to section 212 of the 2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States, and subsections (b) through (e) of section 312 of the Magnuson-Stevens Act (16 U.S.C. 1861a (b) through (e)).

(2) PROGRAM IMPLEMENTATION.—Within 90 days after the date of enactment of this Act, the Secretary shall implement the program by publishing a public notice in the Federal Register and issuing an invitation to bid for reduction payments that specifies the contractual terms and conditions under which bids shall be made and accepted under this section.

(3) APPLICATION OF MAGNUSON-STEVENS ACT; REGULATIONS.—Section 312 of the Magnuson-Stevens Act (16 U.S.C. 1861a), and subpart L of part 600 of title 50, Code of Federal Regulations, shall apply to the program implemented under this section only to the extent that—

(A) that section and that subpart are not inconsistent with any specific provision of this section; or

(B) made inapplicable to the program under paragraph (3) of this section.

(4) INAPPLICABLE REGULATIONS.—Sections 600.1001, 600.1002, 600.1003, 600.1005, 600.1010(b), 600.1010(d)(1), 600.1011(d), the last sentence of section 600.1011(a), and the last sentence of section 600.1014(f) of title 50, Code of Federal Regulations, shall not apply to the program implemented under this section.

(5) PROGRAM DEEMED ACCEPTED.—The program implemented under this section is deemed to be accepted under section 600.1004 of title 50, Code of Federal Regulations.

(b) ELIGIBILITY.—

(1) IN GENERAL.—A reduction fishery is eligible for capacity reduction under the program implemented under this section.

(2) WHITING CATCHER-PROCESSOR EXCEPTION.—Notwithstanding paragraph (1), no vessel harvesting and processing whiting in the catcher-processors sector (as defined in section 660.323(a)(4)(A) of title 50, Code of Federal Regulations) may participate in any capacity reduction referendum or industry fee established under this section.

(c) APPLICATION OF SECTION 312 OF MAGNUSON-STEVENS ACT.—Subsections (b) through (e) of section 312 of the Magnuson-Stevens Act (16 U.S.C. 1861a) shall apply to the program implemented under this section, except that:

(1) The program may apply to multiple fisheries, as appropriate.

(2) A referendum on the industry fee system shall occur after bids have been submitted, and such bids have been accepted by the Secretary, as follows:

(A) The members of the reduction fishery, and persons who have been issued WA, OR, or CA Dungeness Crab and Pink Shrimp permits, shall be eligible to vote in the referendum to approve an industry fee system.

(B) Referendum votes cast in each fishery shall be weighted in proportion to the debt obligation of each fishery, as calculated in subsection (f) of this section.

(C) The industry fee system shall be approved if the referendum votes cast in favor of the proposed system constitute a simple majority of the participating voting.

(3) Notwithstanding section 553 of title 5, United States Code, and section 312(e) of the Magnuson-Stevens Act (16 U.S.C. 1861a(e)), the Secretary shall not prepare or publish proposed or final regulations for the implementation of the program under this section before the referendum is conducted.

(d) NO INTERFERENCE WITH OTHER PROPOSED PROGRAM CHANGES OR SUBSEQUENT REGULATIONS.—Nothing in this section shall be construed to prohibit—

(1) the Pacific Fishery Management Council from recommending, or the Secretary from approving, changes to any fishery management plan, in accordance with applicable law; or

(2) the Secretary from promulgating regulations (including regulations governing this program), after an industry fee system has been approved by the reduction fishery.

(e) BIDS AND BID ACCEPTANCE.—

(1) IN GENERAL.—The Secretary shall determine, and state in the public notice published under subsection (a)(2) of this section, all program implementation aspects the Secretary deems relevant.

(2) BIDS ARE IRREVOCABLE.—Any bid submitted in response to the invitation to bid issued by the Secretary under this section shall be irrevocable.

(3) BID ACCEPTANCE PROCEDURE.—The Secretary shall use a bid acceptance procedure that ranks each bid in accordance with this paragraph and with additional criteria, if any, established by the Secretary.

(A) BID SCORE.—For each bid from a qualified bidder that meets the bidding requirements in the public notice or the invitation to bid, the Secretary shall determine a bid score by dividing the bid's dollar amount by the average annual total ex-vessel dollar value of landings of Pacific groundfish, Dungeness crab, and Pink Shrimp based on the 3 highest total annual revenues earned from Pacific groundfish, Dungeness crab, and Pink Shrimp that the bidder's reduction vessel landed during 1998, 1999, 2000, or 2001. For purposes of this subparagraph, the term ''total annual revenue'' means the revenue earned in a single year from the Pacific groundfish, Dungeness crab, and Pink shrimp fisheries.

(B) BID RANKING AND ACCEPTANCE.—The Secretary shall accept each qualified bid in rank order of bid score from the lowest to the highest until acceptance of the next qualified bid with the next lowest bid score would cause the reduction cost to exceed the reduction loan's maximum amount.

(4) ACCEPTANCE CREATES CONTRACT.—Acceptance of bid by the Secretary shall create a binding reduction contract between the United States and the person whose bid is accepted, the performance of which shall be subject only to the conclusion of a successful referendum.

(5) RELINQUISHMENT AND REVOCATION OF PERMITS.—A person whose bid is accepted by the Secretary under this section shall relinquish all permits in the reduction fishery and any Dungeness crab and Pink shrimp permits issued by Washington, Oregon, or California. The Secretary shall revoke the Pacific groundfish permit, as well as all Federal fishery licenses, fishery permits, area, and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program.

(f) PROGRAM INDUSTRY FEE SYSTEM ALLOCATION.—

(1) IN GENERAL.—The Secretary shall establish separate reduction loan sub-amounts and repayment fees for fish sellers in the reduction fishery and for fish sellers in each of the fee-share fisheries by—

(A) dividing the total ex-vessel dollar value during the bid scoring period of all reduction vessel landings from the reduction fishery and from each of the fee-share fisheries by the total such value of all such landings for all such fisheries; and

(B) multiplying the reduction loan amount by each of the quotients resulting from each of the divisions above.

(2) REDUCTION LOAN SUB-AMOUNT.—Each of the resulting products shall be the reduction loan sub-amount for the reduction fishery and for each of the fee-share fisheries to which each of such products pertains.

(3) SELLER PAYMENTS.—Each fish seller in the reduction fishery and in each of the fee-share fisheries shall pay the fees required by the reduction loan-sub-amounts allocated to it under this subsection.

(4) STATE COLLECTION AGREEMENTS.—The Secretary may enter into agreements with the States of Washington, Oregon, and California to collect any fees established under the section.

(g) LOAN TERM.—Notwithstanding section 1111(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279(b)(4)), the reduction loan's term shall not be less than 30 years.

(h) SENSE OF THE CONGRESS REGARDING ADDITIONAL POST-REDUCTION PROGRAM ACTIONS.—It is the sense of the Congress that the States of Washington, Oregon, and California should revoke all relinquishment permits in each of the fee-share fisheries immediately after reduction payment, and otherwise to implement appropriate State fisheries management and conservation provisions in each of the fee-share fisheries that establishes a program that meets the requirements of section 312(b(1)(B) of the Magnuson-Stevens Act (16 U.S.C. 1861a(b)(1)(B)) as if it were applicable to fee-share fisheries.

(i) DEFINITIONS.—In this section:

(1) FEE-SHARE FISHERY.—The term ''fee-share fishery'' means a fishery, other than the reduction fishery, whose members are eligible to vote in a referendum for an industry fee system under subsection (c)(2).

(2) REDUCTION FISHERY.—The term ''reduction fishery'' means that portion of a fishery holding limited entry fishing permits endorsed for the operation of a trawl gear and issued under the Federal Pacific Coast Groundfish Fishery Management Plan.

(3) MAGNUSON-STEVENS ACT.—The term ''Magnuson-Stevens Act'' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 603. NEW ENGLAND GROUNDFISH CAPACITY REDUCTION PLANNING.

The Secretary of Commerce, in consultation with the New England Regional Fishery Management Council, shall provide technical, planning, and other assistance requested by Northeast multispecies fishery participants, affected States and fishing communities, or other interested parties for the development of an industry-funded capacity reduction plan for the fishery (such as that authorized by section 211 of the 2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States), including planning for fisheries community transition to sustainable fisheries. The Secretary may provide technical and other assistance under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), or other applicable law implemented by the Secretary, and may include—

(1) quantification of overcapacity in the rebuilt fishery;

(2) development of geographic and spatial information and analyses for planning and projections;

(3) provision of socio-economic or fishery data;

(4) analyses of socio-economic effects of capacity reduction options;

(5) public workshop planning and support or other mechanisms for public input;

(6) small business financial planning and advice; and

(7) identification of Federal assistance programs.

SEC. 604. CLARIFICATION OF FLEXIBILITY.

(a) IN GENERAL.—The Secretary of Commerce has the discretion under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) to extend the time for rebuilding an overfished stock beyond the time previously established by the Secretary in a fishery management plan in order to meet substantially increased biomass rebuilding targets subsequently established for the fishery by the Secretary based on the best scientific information available, if—

(1) the extension will apply only to those stocks for which the new biomass targets substantially exceed the targets previously established by 100 percent or more;

(2) the biomass rebuilding target previously applicable to such stock will be met or exceeded within the time for rebuilding previously established by the Secretary;

(3) the extension period is based on the biology of the stock, the rate of rebuilding, and the increase in the biomass rebuilding target, and is as short as possible;

(4) monitoring will ensure rebuilding continues;

(5) the extension meets the requirements of section 301(a)(1) of that Act (16 U.S.C. 1851(a)(1)); and

(6) the best scientific information available shows that the extension will allow continued rebuilding.

(b) AUTHORITY.—Nothing in this section shall be construed to amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) or to limit or otherwise alter the authority of the Secretary under that Act.

SEC. 605. REVIEW OF DATA COLLECTION AND ASSESSMENT METHODS.

The Secretary of Commerce shall, commencing 60 days after the date of enactment of this Act and annually every 7 years thereafter, conduct an independent peer review of fishery management methods under this title, including evaluation and recommendations for—

(1) survey sampling methods and protocols (including inspection, calibration, and maintenance of sampling gear) used in the collection of fishery and fishery-independent data by or for the agency;

(2) stock assessment procedures (including methods for detecting and treating measurement error);

(3) risk assessment and management strategies;

(4) data collection quality control and validation methods; and

(5) an evaluation of the need to develop new assessment, survey, and collection techniques designed to accommodate incomplete or variable data or to evaluate or forecast effects of environmental fluctuations on fisheries.

SEC. 606. COOPERATIVE ENFORCEMENT AGREEMENTS.

(a) IN GENERAL.—The Governor of a State (as defined in section 3(35) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(35)) may apply to the Secretary of Commerce for execution of a cooperative enforcement agreement with the Secretary that will authorize the deputization of State law enforcement officers with marine law enforcement responsibilities to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource laws enforced by the Secretary. Upon receiving an application meeting the requirements of this section, the Secretary shall enter into a joint enforcement agreement with the requesting State.

(b) REQUIREMENTS.—Joint enforcement agreements executed under subsection (a)—

(1) shall be consistent with the purposes and intent of section 311(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(a)), to the extent applicable to the regulated activities; and

(2) may include specifications for joint management responsibilities as provided by the first section of Public Law 91–412 (15 U.S.C. 1525).

(c) ALLOCATIONS OF FUNDS.—The Secretary shall include in each cooperative enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be equitably distributed among all States participating in cooperative enforcement agreement under this subsection, based upon consideration of the specific marine conservation enforcement needs of each participating State. Such agreement may provide for amounts to be withheld by the Secretary for the cost of any technical or other assistance provided by the State by the Secretary under the agreement.

SEC. 607. FISHERIES OUTREACH AND TRAINING.

The Secretary of Commerce shall establish a regional fisheries outreach program within the National Marine Fisheries Service to foster understanding and practical use of knowledge and technical expertise relevant to living marine resources. In establishing the program, the Secretary shall, in cooperation with the National Sea Grant College Program and the Regional Fishery Management Councils established under title III of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.), develop a comprehensive effort to improve communication, education, and outreach to fishing communities, the fishing industry, the conservation community and interested members of the public at the regional, State, and local levels. The program shall—

(1) establish a program of demonstrations, workshops, townhall and industry and other non-scientific meetings for public understanding of National Marine Fisheries Service research, technology, or other information relating the conservation and management of fishery and other living marine resources;

(2) establish outreach programs and procedures designed to improve the transparency and accessibility of fishery stock assessments to the public, including dissemination of explanatory materials through the Internet;

(3) provide periodic training of members, staff, and advisory committee members of the Regional Fishery Management Councils established under that title, on implementation of the National Standards established under title III of the Magnuson Stevens Fisheries Conservation and Management Act (16 U.S.C. 1851 et seq.), the requirements of National Environmental Policy Act and chapter 6 of title 5, United States Code, and any other law applicable to the development of fishery management plans;

(4) identify, with the fishing industry, methods of improving collection, quality, and reporting of fishery dependent data;

(5) study the response of the regulated industry to fishery management regulations and develop management approaches that consider such behavior;

(6) foster communications and technology-transfer programs among regions to improve fish conservation and management;

(7) establish means of communicating information to the general public in an accessible and understandable form (including web-based communications); and

(8) develop partnerships with other agencies, academic institutions, and other entities to meet the purposes of this section.

SEC. 608. COOPERATIVE RESEARCH AND MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with the Regional Fishery Management Councils established under title III of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.), shall establish a national cooperative research and management program to address needs identified under the Magnuson Stevens Fisheries Conservation and Management Act and under any other marine resource laws enforced by the Secretary. The program shall make funds available for cooperative research and management activities that are developed through partnerships among Federal and State managers and scientists, fishing industry participating, and educational institutions.

(b) ELIGIBLE PROJECTS.—The Secretary shall make funds available under the program for the support of projects to address critical needs identified by the Secretary in consultation with the Regional Fisheries Management Councils established under such title, that pertain to the collection and analysis of data and information on living marine resources, including data on landings, fishing effort, life history parameters, biology, habitat, economics and social sciences, including those information needs identified pursuant to section 401 of that Act (16 U.S.C. 1881) or the development of measures to promote innovative of cooperative management of fisheries, including development of innovative gear, methods, and technology. Such program shall promote and encourage efforts to mine and recover useful sources of data maintained by other Federal agencies, State agencies, or academic for use in such projects. In making funds available the Secretary shall give priority to the following projects.

(1) Projects to collect data to improve, supplement, or enhance stock assessments, including through the use of fishing vessels or acoustic or other innovative marine technology.

(2) Projects to improve calibration and accuracy of data collection gear and methods.

(3) Conservation engineering projects designed to reduce bycatch, minimize mortality of bycatch, or minimize fishery impacts on essential fish habitat.

(4) Projects to assess the amount and type of bycatch occurring in a fishery.

(5) Projects for the identification, conservation, or restoration of habitat areas of particular concern.

(6) Projects designed to identify ecosystem effects of fishing, to monitor marine ecosystem trends and dynamics, or to link climate forecasts to stock assessments or otherwise explore ecosystem-based approaches to governance.

(7) Projects designed to collect and compile economic and social data, including data to evaluate the long-term impact of conservation and management measures on fishing communities and data to evaluate economic motivation of harvesters.

(c) SELECTION OF PROJECTS.—Each research project shall be awarded by the Secretary on a competitive basis under procedures established by the Secretary in consultation with the Regional Fisheries Management Councils established under title III of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.). To the extent practicable, the projects selected should collectively conform to a coherent program of research leading to solving priority programs. Each Regional Fisheries Management Council established under that title shall establish a research steering committee to carry out this section.

(d) EXPERIMENTAL PERMITTING PROCESS.—The Secretary, in consultation with the Regional Fisheries Management Councils established under title III of that Act shall establish an expedited permitting process for projects approved under this section.

(e) GUIDELINES.—The Secretary, in consultation with the appropriate Regional Fisheries Management Council established under title III of that Act, shall establish guidelines to ensure that participation in a research project funded under this section does not result in loss of participant's catch history or unexpended days-at-sea as part of a limited entry system.

SEC. 609. COOPERATIVE MARINE EDUCATION AND RESEARCH.

For the purpose of developing adequate, coordinated, cooperative research and training programs for living marine resources, the Secretary of Commerce may establish a Cooperative Marine Education and Research Program. Under this program the Secretary is authorized to enter into cooperative agreements with universities and institutions of higher learning in order to conduct basic research in areas that support conservation and management of living marine resources. Research conducted under this program may include conservation engineering, research and development (including development of fishing gear and methods to reduce bycatch and habitat impacts) and biological research concerning the abundance and life history parameters of stocks of fish, the interdependence of fisheries or stocks of fish and other ecosystem components, and the linkages between fish habitat and fish production or abundance.

SEC. 610. GULF OF MEXICO FISHING QUOTA SYSTEMS.

Section 407 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1883) is amended—

(1) in subsection (c) by inserting at the end the following:

''(3) The initial referendum described in paragraph (1) shall be used to determine support for whether the sale, transfer, or lease of quota shares shall be allowed.''.

(2) by inserting at the end the following:

''(e) In order to facilitate balanced and fair apportionment of fishing interests, a Governor of a State submitting names of individuals for appointment by the Secretary of Commerce to the Gulf of Mexico Fisheries Management Council under section 302(b)(2) of this Act during Fiscal Years 2003–2004 shall include at least one nominee each from the commercial fishing sector and the recreational fishing sector (including the for-hire fishing sector). If the Secretary determines that a submission from such a Governor does not meet the requirements of subsection (a), the Secretary shall—

''(1) for an at-large seat, select a nominee from a list submitted by a State that complies with this subsection; and

''(2) for a seat assigned to that State, select no nominee for that seat until the Governor complies with this subsection.''.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this title—

(1) for science review and outreach—
(A) $10,000,000 for fiscal year 2003;
(B) $11,000,000 for fiscal year 2004;
(C) $12,000,000 for fiscal year 2005;
(D) $13,000,000 for fiscal year 2006; and
(E) $14,000,000 for fiscal year 2007;
(2) for cooperative enforcement—
(A) $27,000,000 for fiscal year 2003;
(B) $29,000,000 for fiscal year 2004;
(C) $31,000,000 for fiscal year 2005;
(D) $33,000,000 for fiscal year 2006; and
(E) $35,000,000 for fiscal year 2007; and
(3) for cooperative research—
(A) $30,000,000 for fiscal year 2003;
(B) $35,000,000 for fiscal year 2004;
(C) $40,000,000 for fiscal year 2005;
(D) $45,000,000 for fiscal year 2006; and
(E) $50,000,000 for fiscal year 2007.

TITLE VII—MISCELLANEOUS

SEC. 701. CHESAPEAKE BAY OFFICE.

(a) REAUTHORIZATION OF OFFICE.—Section 307 of the National Oceanic and Atmospheric

Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended to read as follows:

"SEC. 307. CHESAPEAKE BAY OFFICE.

''(a) ESTABLISHMENT.—(1) The Secretary of Commerce shall establish, within the National Oceanic and Atmospheric Administration, an office to be known as the Chesapeake Bay Office (in this section referred to as the 'Office').

''(2) The Office shall be headed by a Director who shall be appointed by the Secretary of Commerce, in consultation with the Chesapeake Executive Council. Any individual appointed as Director shall have knowledge and experience in research or resource management efforts in the Chesapeake Bay.

''(3) The Director may appoint such additional personnel for the Office as the Director determines necessary to carry out this section.

''(b) FUNCTIONS.—The Office, in consultation with the Chesapeake Executive Council, shall—

''(1) provide technical assistance to the Administrator, to other Federal departments and agencies, and to State and local government agencies in—

''(A) assessing the processes that shape the Chesapeake Bay system and affect its living resources;

''(B) identifying technical and management alternatives for the restoration and protection of living resources and the habitats they depend upon; and

''(C) monitoring the implementation and effectiveness of management plans;

''(2) develop and implement a strategy for the National Oceanic and Atmospheric Administration that integrates the science, research, monitoring, data collection, regulatory, and management responsibilities of the Secretary of Commerce in such a manner as to assist the cooperative, intergovernmental Chesapeake Bay Program to meet the commitments of the Chesapeake Bay Agreement;

''(3) coordinate the programs and activities of the various organizations within the National Oceanic and Atmospheric Administration, the Chesapeake Bay Regional Sea Grant Programs, and the Chesapeake Bay units of the National Estuarine Research Reserve System, including—

''(A) programs and activities in—

''(i) coastal and estuarine research, monitoring, and assessment;

''(ii) fisheries research and stock assessments;

''(iii) data management;

''(iv) remote sensing;

''(v) coastal management;

''(vi) habitat conservation and restoration; and

''(vii) atmospheric deposition; and

''(B) programs and activities of the Cooperative Oxford Laboratory of the National Ocean Service with respect to—

''(i) nonindigenous species;

''(ii) estuarine and marine species pathology;

''(iii) human pathogens in estuarine and marine environments; and

''(iv) ecosystem health;

''(4) coordinate the activities of the National Oceanic and Atmospheric Administration with the activities of the Environmental Protection Agency and other Federal, State, and local agencies;

''(5) establish an effective mechanism which shall ensure that projects have undergone appropriate peer review and provide other appropriate means to determine that projects have acceptable scientific and technical merit for the purpose of achieving maximum utilization of available funds and resources to benefit the Chesapeake Bay area;

''(6) remain cognizant of ongoing research, monitoring, and management projects and assist in the dissemination of the results and findings of those projects; and

''(7) submit a biennial report to the Congress and the Secretary of Commerce with respect to the activities of the Office and on the progress made in protecting and restoring the living resources and habitat of the Chesapeake Bay, which report shall include an action plan consisting of—

''(A) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy described in paragraph (2); and

''(B) proposals for—

''(i) continuing any new National Oceanic and Atmospheric Administration activities in the Chesapeake Bay; and

''(ii) the integration of those activities with the activities of the partners in the Chesapeake Bay Program to meet the commitments of the Chesapeake 2000 agreement and subsequent agreements.

''(c) CHESAPEAKE BAY FISHERY AND HABITAT RESTORATION SMALL WATERSHED GRANTS PROGRAM.—

''(1) IN GENERAL.—The Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (in this section referred to as the 'Director'), in cooperation with the Chesapeake Executive Council, shall carry out a community-based fishery and habitat restoration small grants and technical assistance program in the Chesapeake Bay watershed.

''(2) PROJECTS.—

''(A) SUPPORT.—The Director shall make grants under this subsection to pay the Federal share of the cost of projects that are carried out by entities eligible under paragraph (3) for the restoration of fisheries and habitats in the Chesapeake Bay.

''(B) FEDERAL SHARE.—The Federal share under subparagraph (A) shall not exceed 75 percent.

''(C) TYPES OF PROJECTS.—Projects for which grants may be made under this subsection include—

''(i) the improvement of fish passageways;

''(ii) the creation of natural or artificial reefs or substrata for habitats;

''(iii) the restoration of wetland or sea grass;

''(iv) the production of oysters for restoration projects; and

''(v) the prevention, identification, and control of nonindigenous species.

''(3) ELIGIBLE ENTITIES.—The following entities are eligible to receive grants under this subsection:

''(A) The government of a political subdivision of a State in the Chesapeake Bay watershed, and the government of the District of Columbia.

''(B) An organization in the Chesapeake Bay watershed (such as an educational institution or a community organization)—

''(i) that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code; and

''(ii) that will administer such grants in coordination with a government referred to in subparagraph (A).

''(4) ADDITIONAL REQUIREMENTS.—The Director may prescribe any additional requirements, including procedures, that the Director considers necessary to carry out the program under this subsection.

''(d) CHESAPEAKE EXECUTIVE COUNCIL.—For purposes of this section, 'Chesapeake Executive Council' means the representatives from the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the Environmental Protection Agency, the District of Columbia, and the Chesapeake Bay Commission, who are signatories to the Chesapeake Bay Agreement, and any future signatories to that Agreement.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Commerce for the Chesapeake Bay Office $6,000,000 for each of fiscal years 2002 through 2006.''.

(b) CONFORMING AMENDMENT.—Section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210; 97 Stat. 1409) is amended by striking subsection (e).

(c) MULTIPLE SPECIES MANAGEMENT STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration shall begin a 5-year study, in cooperation with the scientific community of the Chesapeake Bay, appropriate State and interstate resource management entities, and appropriate Federal agencies—

(A) to determine and expand the understanding of the role and response of living resources in the Chesapeake Bay ecosystem; and

(B) to develop a multiple species management strategy for the Chesapeake Bay.

(2) REQUIRED ELEMENTS OF STUDY.—In order to improve the understanding necessary for the development of the strategy under paragraph (1)(B), the study shall—

(A) determine the current status and trends of fish and shellfish that live in the Chesapeake Bay and its tributaries and are selected for study;

(B) evaluate and assess interactions among the fish and shellfish referred to in subparagraph (A) and other living resources, with particular attention to the impact of changes within and among trophic levels; and

(C) recommend management actions to optimize the return of a healthy and balanced ecosystem for the Chesapeake Bay.

SEC. 702. CONVEYANCE OF NOAA LABORATORY IN TIBURON, CALIFORNIA.

(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Commerce may convey to the Board of Trustees of the California State University, by suitable instrument, in accordance with this section, by as soon as practicable, but not later than 180 days after the date of the enactment of this Act, and without consideration, all right, title, and interest of the United States in the balance of the National Oceanic and Atmosphere Administration property known as the Tiburon Laboratory, located in Tiburon, California, as described in Exhibit A of the notarized, revocable license between the Administration and Romberg Tiburon Center for Environmental Studies at San Francisco State University dated November 5, 2001 (license number 01ABF779–N).

(b) CONDITIONS.—As a condition of any conveyance by the Secretary under this section the Secretary may require the following:

(1) The property conveyed shall be administered by the Romberg Tiburon Center for Environmental Studies at San Francisco State University and used only for the following purposes:

(A) To enhance estuarine scientific research and estuary restoration activities within San Francisco Bay.

(B) To administer and coordinate management activities at the San Francisco Bay National Estuarine Research Reserve.

(C) To conduct education and interpretation and outreach activities to enhance public awareness and appreciation of estuary resources, and for other purposes.

(2) The Board shall—

(A) take title to the property as is;

(B) assume full responsibility for all facility maintenance and repair, security, fire

prevention, utilities, signs, and grounds maintenance;

(C) allow the Secretary to have all necessary ingress and egress over the property of the Board to access Department of Commerce building and related facilities, equipment, improvements, modifications, and alterations; and

(D) not erect or allow to be erected any structure or structures or obstruction of whatever kind that interfere with the access to or operation of property retained for the United States under subsection (c)(1), unless prior written consent has been provided by the Secretary to the Board.

(c) RETAINED INTERESTS.—The Secretary shall retain for the United States—

(1) all right, title, and interest in and to the portion of the property referred to in subsection (a) comprising Building 86, identified as Parcel C on Exhibit A of the license referred to in subsection (a), including all facilities, equipment, fixtures, improvements, modifications, or alterations made by the Secretary;

(2) rights-of-way and easements that are determined by the Secretary to be reasonable and convenient to ensure all necessary ingress, egress, utilities, drainage, and sewage disposal for the property retained under paragraph (1), including access to the existing boat launch ramp (or equivalent) and parking that is suitable to the Secretary;

(3) the exclusive right to install, maintain, repair, replace, and remove its facilities, fixtures, and equipment on the retained property, and to authorize other persons to take any such action;

(4) the right to grade, condition, and install drainage facilities, and to seed soil on the retained property, if necessary; and

(5) the right to remove all obstructions from the retained property that may constitute a hindrance to the establishment and maintenance of the retained property.

(d) EQUIVALENT ALTERNATIVE.—

(1) IN GENERAL.—At any time, either the Secretary or the Board may request of each other to enter into negotiations pursuant to which the Board may convey if appropriate to the United States, in exchange for property conveyed by the United States under subsection (a), another building that is equivalent in function to the property, retained under subsection (c) that is acceptable to the Secretary.

(2) LOCATION.—Property conveyed by the Board under this subsection is not required to be located on the property referred to in subsection (a).

(3) COSTS.—If the Secretary and the Board engage in a property exchange under this subsection, all costs for repair, removal, and moving of facilities, equipment, fixtures, improvements, modifications, or alterations, including power, control, and utilities, that are necessary for the exchange—

(A) shall be the responsibility of the Secretary, if the action to seek an equivalent alternative was requested by the Secretary in response to factors unrelated to the activities of the Board or its operatives in the operation of its facilities; or

(B) shall be the responsibility of the Board, if the Secretary's request for an equivalent alternative was in response to changes or modifications made by the Board or its operatives that adversely affected the Secretary's interest in the property retained under subsection (c).

(e) ADDITIONAL CONDITIONS.—As conditions of any conveyance under subsection (a)—

(1) the Secretary shall require that—

(A) the Board remediate, or have remediated, at its sole cost, all hazardous or toxic substance contamination found on the property conveyed under subsection (a), whether known or unknown at the time of the conveyance of later discovered; and

(B) the Board of Trustees hold harmless the Secretary for any and all costs, liabilities, or claims by third parties that arise out of any hazardous or toxic substance contamination found on the property conveyed under subsection (a) that are not directly attributable to the installation, operation, or maintenance of the Secretary's facilities, equipment, fixtures, improvements, modifications, or alternations;

(2) the Secretary shall remediate, at the sole cost of the United States, all hazardous or toxic substance contamination on the property retained under subsection (c) that is found to have occurred as a direct result of the installation, operation, or maintenance of the Secretary's facilities, equipment, fixtures, improvements, modifications, or alternations; and

(3) if the Secretary decides to terminate future occupancy and interest of the property retained under subsection (c), the Secretary may—

(A) provide written notice to the Board at least 60 days prior to the scheduled date when the property will be vacated;

(B) remove facilities, equipment, fixtures, improvements, modifications, or alternations and restore the property to as good a condition as existed at the time the property was retained under subsection (c), taking into account ordinary wear and tear and exposure to natural elements or phenomena; or

(C) surrender all facilities, equipment, fixtures, improvements, modifications, or alterations to the Board in lieu of restoration, whereupon title shall vest in the Board of Trustees, and whereby all obligations of restoration under this subsection shall be waived, and all interests retained under subsection (e) shall be revoked.

(f) REVERSIONARY INTEREST.—

(1) IN GENERAL.—All right, title, and interest in and to all property and interests conveyed by the United States under this section shall revert to the United States on the date on which the Board uses any of the property for any purpose other than the purposes described in subsection (b)(1).

(2) ADMINISTRATION OF REVERTED PROPERTY.—Any property that reverts to the United States under this subsection shall be under the administrative jurisdiction of the Administrator of General Services.

(3) ANNUAL CERTIFICATION.—One year after the date of a conveyance made pursuant to subsection (a), and annually thereafter, the Board shall certify to the Administrator of General Services or his or her designee that the Board and its designees are in compliance with the conditions of conveyance under subsections (b) and (e).

(g) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Board of Trustees of the California State University.

(2) CENTER.—The term ''Center'' means the Romberg Tiburon Center for Environmental Studies at San Francisco State University.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 1703. ARCTIC RESEARCH CENTER.

(a) ESTABLISHMENT.—The Secretary of Commerce, in consultation with the Secretaries of Energy and the Interior, the Director of the National Science Foundation, and the Administrator of the Environmental Protection Agency, shall establish a joint research facility, to be known as the Barrow Arctic Research Center, to support climate change and other scientific research activities in the Arctic.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretaries of Commerce, Energy, and the Interior, the Director of the National Science Foundation, and the Administrator of the Environmental Protection Agency, $35,000,000 for the planning, design, construction, and support of the Borrow Arctic Research Center.

SEC. 704. EMERGENCY ASSISTANCE FOR SUBSISTENCE WHALE HUNTERS.

Notwithstanding any provision of law, the use of a vessel to tow a whale taken in a traditional subsistence whale hunt permitted by Federal law and conducted in waters off the coast of Alaska is authorized, if such towing is performed upon a request for emergency assistance made by a subsistence whale hunting organization formally recognized by an agency of the United States Government, or made by a member of such an organization, to prevent the loss of a whale.

SEC. 705. INTERNATIONAL PACIFIC RESEARCH AND COOPERATION.

The Secretary of Commerce, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall conduct international research in the Pacific region that will increase understanding of the nature and predictability of climate variability in the Asia-Pacific sector, including regional aspects of global environmental change. Such research activities shall be conducted in cooperation with other nations of the region. There are authorized to be appropriated for purposes of this section $3,500,000 to the National Oceanic and Atmospheric Administration.

SEC. 706. TREATY ON PACIFIC COAST ALBACORE TUNA.

(a) FOREIGN FISHING UNDER TREATY; IMPLEMENTATION.—Section 201 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1821) is amended by adding at the end the following

''(j) TREATY ON PACIFIC COAST ALBACORE TUNA VESSELS.—

''(1) Notwithstanding subsection (a) and section 307(2)(B), foreign fishing may be conducted pursuant to the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, signed May 26, 1981, and any amendments thereto.

''(2) The Secretary of Commerce may promulgate regulations necessary to discharge Federal obligations under the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, signed May 26, 1981, including its Annexes and any amendments thereto. The proposed rulemaking and public participation requirements of section 553 of title 5, United States Code, shall not apply to collection of information or record-keeping requirements established by regulations promulgated under this subsection.''.

(b) TECHNICAL AMENDMENT.—Section 307(2)(B) of such Act (16 U.S.C. 1857(2)(B)) is amended by striking ''201(i),'' and inserting ''201(i) and foreign fishing permitted under section 201(j),''.

SA 4984. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 1606, to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations, and for such other purposes; as follows:

On page 3, line 14, strike ''such sums as may be necessary'' and insert ''a total of $10 million for fiscal years 2003 and 2004.''