

(B) provide resources that are necessary for restoration of the Cheyenne River corridor on the Reservation.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **ANGOSTURA UNIT.**—The term “Angostura Unit” means the irrigation unit of the Angostura irrigation project developed under the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(2) **FUND.**—The term “Fund” means the Oglala Sioux Tribal Development Trust Fund established by section 201(a).

(3) **PICK-SLOAN PROGRAM.**—The term “Pick-Sloan program” means the Pick-Sloan Missouri River basin program approved under the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (33 U.S.C. 701-1 et seq.).

(4) **PLAN.**—The term “plan” means the development plan developed by the Tribe under section 201(f).

(5) **RESERVATION.**—The term “Reservation” means the Pine Ridge Indian Reservation in the State.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **TRIBE.**—The term “Tribe” means the Oglala Sioux Tribe of South Dakota.

(8) **TRIBAL COUNCIL.**—The term “Tribal Council” means the governing body of the Tribe.

### TITLE I—MODERNIZATION

#### SEC. 101. MODERNIZATION OF FACILITIES AT ANGOSTURA UNIT.

(a) **IN GENERAL.**—The Secretary shall carry out the modernization and improvement of the facilities at the Angostura Unit as described in the Improved Efficiencies Alternative included in the report entitled “Final Environmental Impact Statement, Angostura Unit Contract Negotiation and Water Management (August 2002)”.

(b) **NONREIMBURSABILITY.**—The cost of the modernization and improvement of the facilities at the Angostura Unit shall be carried out on a nonreimbursable basis.

#### SEC. 102. DELIVERY OF WATER TO PINE RIDGE INDIAN RESERVATION.

The Secretary shall provide for the delivery of the water saved through the modernization and improvement of the facilities of the Angostura Unit to be used for fish and wildlife purposes and environmental restoration on the Reservation.

#### SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out section 101 \$4,660,000, to remain available until expended.

### TITLE II—DEVELOPMENT

#### SEC. 201. OGLALA SIOUX TRIBAL DEVELOPMENT TRUST FUND.

(a) **OGLALA SIOUX TRIBAL DEVELOPMENT TRUST FUND.**—There is established in the Treasury of the United States a fund to be known as the “Oglala Sioux Tribal Development Trust Fund”, consisting of any amounts deposited in the Fund under this title.

(b) **FUNDING.**—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit in the Fund—

(1) \$92,500,000; and

(2) the amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if that amount had been invested in interest-bearing obligations of the United States on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) **INVESTMENT OF TRUST FUND.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) **ELIGIBLE OBLIGATIONS.**—Notwithstanding any other provision of law, the Secretary of the

Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

(3) **INTEREST.**—The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) **PAYMENT OF INTEREST TO TRIBE.**—

(1) **WITHDRAWAL OF INTEREST.**—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall transfer the aggregate amount of interest deposited into the Fund for the fiscal year to the Secretary for use in accordance with paragraph (3).

(2) **AVAILABILITY.**—Each amount transferred under paragraph (1) shall be available without fiscal year limitation.

(3) **PAYMENTS TO TRIBE.**—

(A) **IN GENERAL.**—The Secretary shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) **LIMITATION.**—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) **USE OF PAYMENTS BY TRIBE.**—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) **LIMITATION ON TRANSFERS AND WITHDRAWALS.**—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury shall not transfer or withdraw any amount deposited under subsection (b).

(f) **DEVELOPMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d).

(2) **CONTENTS.**—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and members of the Tribe; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) **PLAN REVIEW AND REVISION.**—

(A) **IN GENERAL.**—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) **UPDATING OF PLAN.**—

(1) **IN GENERAL.**—The Tribal Council may, on an annual basis, revise the plan to update the plan.

(ii) **REVIEW AND COMMENT.**—In revising the plan, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) **CONSULTATION.**—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary and the Secretary of Health and Human Services.

(4) **AUDIT.**—

(A) **IN GENERAL.**—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A-133.

(B) **DETERMINATION BY AUDITORS.**—The auditors that conduct the audit under subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the

plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) **INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.**—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) **PROHIBITION OF PER CAPITA PAYMENTS.**—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

#### SEC. 202. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

#### SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to pay the administrative expenses of the Fund.

#### SEC. 204. WATER RIGHTS.

Nothing in this Act—

(1)(A) affects any rights, benefits, privileges or claims (including water rights or claims to water rights) of the Tribe, whether located within or without the external boundaries of the Reservation, based on treaty, Executive order, agreement, Act of Congress, aboriginal title, the Winters doctrine (*Winters v. United States*, 207 U.S. 564 (1908)), or otherwise; or

(B) validates or invalidates any assertion of the existence, nonexistence or extinguishment of any water rights, or claims to water rights, held by the Tribe or any other Indian tribe or individual Indian under Federal or State law; or

(2) affects any other water rights in existence on the date of enactment of this Act held by any person or entity.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1996), as amended, was read the third time and passed.

#### SPOKANE TRIBE OF INDIANS OF THE SPOKANE RESERVATION GRAND COULEE DAM EQUITABLE COMPENSATION SETTLEMENT ACT

The Senate proceeded to consider the bill (S. 1438) to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

[This Act may be cited as the “Spokane Tribe of Indians of the Spokane Reservation

Grand Coulee Dam Equitable Compensation Settlement Act".

## **[SEC. 2. FINDINGS.]**

【Congress finds the following:

【(1) From 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost.

【(2) The Corps of Engineers—

【(A) identified a number of sites, including the site at which the Grand Coulee Dam is located; and

【(B) recommended that power development at those sites be performed by local governmental authorities or private utilities under the Federal Power Act (16 U.S.C. 791a et seq.).

【(3) Under section 10(e) of that Act (16 U.S.C. 803(e)), a licensee is required to compensate an Indian tribe for the use of land under the jurisdiction of the Indian tribe.

【(4) In August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site.

【(5) In the mid-1930's, the Federal Government, which is not subject to the Federal Power Act (16 U.S.C. 791a et seq.)—

【(A) federalized the Grand Coulee Dam project; and

【(B) began construction of the Grand Coulee Dam.

【(6) At the time at which the Grand Coulee Dam project was federalized, the Federal Government recognized that the Spokane Tribe and the Confederated Tribes of the Colville Reservation had compensable interests in the Grand Coulee Dam project, including compensation for—

【(A) the development of hydropower;

【(B) the extinguishment of a salmon fishery on which the Spokane Tribe was almost completely financially dependent; and

【(C) the inundation of land with loss of potential power sites previously identified by the Spokane Tribe.

【(7) In the Act of June 29, 1940, Congress—

【(A) in the first section (16 U.S.C. 835d) granted to the United States—

【(i) all rights of Indian tribes in land of the Spokane Tribe and Colville Indian Reservations that were required for the Grand Coulee Dam project; and

【(ii) various rights-of-way over other land under the jurisdiction of Indian tribes that were required in connection with the project; and

【(B) in section 2 (16 U.S.C. 835e) provided that compensation for the land and rights-of-way was to be determined by the Secretary of the Interior in such amounts as the Secretary determined to be just and equitable.

【(8) In furtherance of that Act, the Secretary of the Interior paid—

【(A) to the Spokane Tribe, \$4,700; and

【(B) to the Confederated Tribes of the Colville Reservation, \$63,000.

【(9) In 1994, following 43 years of litigation before the Indian Claims Commission, the United States Court of Federal Claims, and the United States Court of Appeals for the Federal Circuit, Congress ratified an agreement between the Confederated Tribes of the Colville Reservation and the United States that provided for damages and annual payments of \$15,250,000 in perpetuity, adjusted annually, based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration.

【(10) In legal opinions issued by the Office of the Solicitor of the Department of the Interior, a Task Force Study conducted from 1976 to 1980 ordered by the Committee on Appropriations of the Senate, and hearings be-

fore Congress at the time at which the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103-436; 108 Stat. 4577) was enacted, it has repeatedly been recognized that—

【(A) the Spokane Tribe suffered damages similar to those suffered by, and had a case legally comparable to that of, the Confederated Tribes of the Colville Reservation; but

【(B) the 5-year statute of limitations under the Act of August 13, 1946 (25 U.S.C. 70 et seq.) precluded the Spokane Tribe from bringing a civil action for damages under that Act.

【(11) The inability of the Spokane Tribe to bring a civil action before the Indian Claims Commission can be attributed to a combination of factors, including—

【(A) the failure of the Bureau of Indian Affairs to carry out its advisory responsibilities in accordance with that Act; and

【(B) an attempt by the Commissioner of Indian Affairs to impose improper requirements on claims attorneys retained by Indian tribes, which caused delays in retention of counsel and full investigation of the potential claims of the Spokane Tribe.

【(12) As a consequence of construction of the Grand Coulee Dam project, the Spokane Tribe—

【(A) has suffered the loss of—

【(i) the salmon fishery on which the Spokane Tribe was dependent;

【(ii) identified hydropower sites that the Spokane Tribe could have developed; and

【(iii) hydropower revenues that the Spokane Tribe would have received under the Federal Power Act (16 U.S.C. 791a et seq.) had the project not been federalized; and

【(B) continues to lose hydropower revenues that the Federal Government recognized were owed to the Spokane Tribe at the time at which the project was constructed.

【(13) More than 39 percent of the land owned by Indian tribes or members of Indian tribes that was used for the Grand Coulee Dam project was land of the Spokane Tribe.

## **[SEC. 3. STATEMENT OF PURPOSE.]**

【The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe, using the same proportional basis as was used in providing compensation to the Confederated Tribes of the Colville Reservation, for the losses suffered as a result of the construction and operation of the Grand Coulee Dam project.

## **[SEC. 4. DEFINITIONS.]**

【In this Act:

【(1) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

【(2) CONFEDERATED TRIBES ACT.—The term "Confederated Tribes Act" means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103-436; 108 Stat. 4577).

【(3) FUND ACCOUNT.—The term "Fund Account" means the Spokane Tribe of Indians Settlement Fund Account established under section 5(a).

【(4) SPOKANE TRIBE.—The term "Spokane Tribe" means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

## **[SEC. 5. SETTLEMENT FUND ACCOUNT.]**

【(a) ESTABLISHMENT OF ACCOUNT.—There is established in the Treasury an interest-bearing account to be known as the "Spokane Tribe of Indians Settlement Fund Account".

【(b) DEPOSIT OF AMOUNTS.—

【(1) INITIAL DEPOSIT.—On the date on which funds are made available to carry out this Act, the Secretary shall deposit in the Fund Account, as payment and satisfaction of the claim of the Spokane Tribe for use of land of the Spokane Tribe for generation of hydropower for the period beginning on June 29, 1940, and ending on November 2, 1994, an amount that is equal to 39.4 percent of the

amount paid to the Confederated Tribes of the Colville Reservation under section 5(a) of the Confederated Tribes Act, adjusted to reflect the change, during the period beginning on the date on which the payment described in subparagraph (A) was made to the Confederated Tribes of the Colville Reservation and ending on the date of enactment of this Act, in the Consumer Price Index for all urban consumers published by the Department of Labor.

【(2) SUBSEQUENT DEPOSITS.—On September 30 of the first fiscal year that begins after the date of enactment of this Act, and on September 30 of each of the 5 fiscal years thereafter, the Secretary shall deposit in the Fund Account an amount that is equal to 7.88 percent of the amount authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes Act through the end of the fiscal year during which this Act is enacted, adjusted to reflect the change, during the period beginning on the date on which the payment to the Confederated Tribes of the Colville Reservation was first made and ending on the date of enactment of this Act, in the Consumer Price Index for all urban consumers published by the Department of Labor.

【(c) ANNUAL PAYMENTS.—On September 1 of the first fiscal year after the date of enactment of this Act, and annually thereafter, the Secretary shall pay to the Spokane Tribe an amount that is equal to 39.4 percent of the annual payment authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) for the Confederated Tribes Act for the fiscal year.

## **[SEC. 6. USE AND TREATMENT OF SETTLEMENT FUNDS.]**

【(a) TRANSFER OF FUNDS TO SPOKANE TRIBE.—

【(1) INITIAL TRANSFER.—Not later than 60 days after the date on which the Secretary receives from the Spokane Business Council written notice of the adoption by the Spokane Business Council of a resolution requesting that the Secretary execute the transfer of settlement funds described in section 5(a), the Secretary shall transfer all or a portion of the settlement funds, as appropriate, to the Spokane Business Council.

【(2) SUBSEQUENT TRANSFERS.—If not all funds described in section 5(a) are transferred to the Spokane Business Council under an initial transfer request described in paragraph (1), the Spokane Business Council may make subsequent requests for, and the Secretary of the Treasury may execute subsequent transfers of, those funds.

【(b) USE OF INITIAL PAYMENT FUNDS.—Of the settlement funds described in subsections (a) and (b) of section 5—

【(1) 25 percent shall be—

【(A) reserved by the Spokane Business Council; and

【(B) used for discretionary purposes of general benefit to all members of the Spokane Tribe; and

【(2) 75 percent shall be used by the Spokane Business Council to carry out—

【(A) a resource development program;

【(B) a credit program;

【(C) a scholarship program; or

【(D) a reserve, investment, and economic development program.

【(c) USE OF ANNUAL PAYMENT FUNDS.—Annual payments made to the Spokane Tribe under section 5(c) may be used or invested by the Spokane Tribe in the same manner and for the same purposes as other tribal governmental funds.

【(d) APPROVAL BY SECRETARY.—Notwithstanding any other provision of law—

【(1) the approval of the Secretary of the Treasury or the Secretary of the Interior for any payment, distribution, or use of the

principal, interest, or income generated by any settlement funds transferred or paid to the Spokane Tribe under this Act shall not be required; and

(2) the Secretary of the Treasury and the Secretary of the Interior shall have no trust responsibility for the investment, supervision, administration, or expenditure of those funds after the date on which the funds are transferred to or paid to the Spokane Tribe.

(e) **TREATMENT OF FUNDS FOR CERTAIN PURPOSES.**—The payments and distributions of any portion of the principal, interest, and income generated by the settlement funds described in section 5 shall be treated in the same manner as payments or distributions under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (Public Law 99-346; 100 Stat. 677).

(f) **TRIBAL AUDIT.**—After the date on which the settlement funds described in section 5 are transferred or paid to the Spokane Tribe, the funds—

(1) shall be considered to be Spokane Tribe governmental funds; and

(2) shall be subject to an annual tribal governmental audit.

#### **SEC. 7. SATISFACTION OF CLAIMS.**

[Payment by the Secretary under section 5 constitutes full satisfaction of the claim of Spokane Tribe to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project from June 29, 1940, through the fiscal year preceding the fiscal year in which this Act is enacted.

#### **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated such sums as are necessary to carry out this Act.]

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act”.

#### **SEC. 2. FINDINGS.**

Congress finds that—

(1) from 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost;

(2) under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)), when licenses are issued involving tribal land within an Indian reservation, a reasonable annual charge shall be fixed for the use of the land, subject to the approval of the Indian tribe having jurisdiction over the land;

(3) in August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site;

(4) had the Columbia Basin Commission or a private entity developed the site, the Spokane Tribe would have been entitled to a reasonable annual charge for the use of its land;

(5) in the mid-1930s, the Federal Government, which is not subject to licensing under the Federal Power Act (16 U.S.C. 792 et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam;

(6) when the Grand Coulee Dam project was federalized, the Federal Government recognized that—

(A) development of the project affected the interests of the Spokane Tribe and the Confederated Tribes of the Colville Reservation; and

(B) it would be appropriate for the Spokane and Colville Tribes to receive a share of revenue from the disposition of power produced at Grand Coulee Dam;

(7) in the Act of June 29, 1940 (16 U.S.C. 835d et seq.), Congress—

(A) granted to the United States—

(i) in aid of the construction, operation, and maintenance of the Columbia Basin Project, all the right, title, and interest of the Spokane Tribe and Colville Tribes in and to the tribal and allotted land within the Spokane and Colville Reservations, as designated by the Secretary of the Interior from time to time; and

(ii) other interests in such land as required and as designated by the Secretary for certain construction activities undertaken in connection with the project; and

(B) provided that compensation for the land and other interests was to be determined by the Secretary in such amounts as the Secretary determined to be just and equitable;

(8) pursuant to that Act, the Secretary paid—

(A) to the Spokane Tribe, \$4,700; and

(B) to the Confederated Tribes of the Colville Reservation, \$63,000;

(9) in 1994, following litigation under the Act of August 13, 1946 (commonly known as the “Indian Claims Commission Act” (60 Stat. 1049, chapter 959; former 25 U.S.C. 70 et seq.)), Congress ratified the Colville Settlement Agreement, which required—

(A) for past use of the Colville Tribes’ land, a payment of \$53,000,000; and

(B) for continued use of the Colville Tribes’ land, annual payments of \$15,250,000, adjusted annually based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration;

(10) the Spokane Tribe, having suffered harm similar to that suffered by the Colville Tribes, did not file a claim within the Indian Claims Commission Act’s 5-year statute of limitations;

(11) neither the Colville Tribes nor the Spokane Tribe filed claims for compensation for use of their land with the Commission before August 13, 1951, but both Tribes filed unrelated land claims prior to August 13, 1951;

(12) in 1976, over objections by the United States, the Colville Tribes were successful in amending their 1951 Claims Commission land claims to add their Grand Coulee claim;

(13) the Spokane Tribe had no such claim to amend, having settled its Claims Commission land claims with the United States in 1967;

(14) the Spokane Tribe has suffered significant harm from the construction and operation of Grand Coulee Dam;

(15) Spokane tribal acreage taken by the United States for the construction of Grand Coulee Dam equaled approximately 39 percent of Colville tribal acreage taken for construction of the dam;

(16) the payments and land transfers made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane tribal land for the production of hydropower at Grand Coulee Dam; and

(17) by vote of the Spokane tribal membership, the Spokane Tribe has resolved that the payments and land transfers made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane Tribal land for the production of hydropower at Grand Coulee Dam.

#### **SEC. 3. PURPOSE.**

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe for the use of its land for the generation of hydropower by the Grand Coulee Dam.

#### **SEC. 4. DEFINITIONS.**

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Bonneville Power Administration or the head of any successor agency, corporation, or entity that markets power produced at Grand Coulee Dam.

(2) **COLVILLE SETTLEMENT AGREEMENT.**—The term “Colville Settlement Agreement” means the Settlement Agreement entered into between the United States and the Colville Tribes, signed by the United States on April 21, 1994, and by the

Colville Tribes on April 16, 1994, to settle the claims of the Colville Tribes in Docket 181-D of the Indian Claims Commission, which docket was transferred to the United States Court of Federal Claims.

(3) **COLVILLE TRIBES.**—The term “Colville Tribes” means the Confederated Tribes of the Colville Reservation.

(4) **COMPUTED ANNUAL PAYMENT.**—The term “Computed Annual Payment” means the payment calculated under paragraph 2.b. of the Colville Settlement Agreement, without regard to any increase or decrease in the payment under section 2.d. of the agreement.

(5) **CONFEDERATED TRIBES ACT.**—The term “Confederated Tribes Act” means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (108 Stat. 4577).

(6) **FUND.**—The term “Fund” means the Spokane Tribe of Indians Settlement Fund established by section 5.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **SPOKANE BUSINESS COUNCIL.**—The term “Spokane Business Council” means the governing body of the Spokane Tribe under the constitution of the Spokane Tribe.

(9) **SPOKANE TRIBE.**—The term “Spokane Tribe” means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

#### **SEC. 5. SETTLEMENT FUND.**

(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States an interest-bearing trust fund to be known as the “Spokane Tribe of Indians Settlement Fund”, consisting of—

(1) amounts deposited in the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund.

(b) **DEPOSITS.**—From amounts made available under section 11—

(1) for fiscal year 2006, the Secretary shall deposit in the Fund \$17,800,000; and

(2) for each of the 4 fiscal years thereafter, the Secretary shall deposit in the Fund \$12,800,000.

(c) **MAINTENANCE AND INVESTMENT OF FUND.**—The Fund shall be maintained and invested by the Secretary in accordance with the Act of June 24, 1938 (25 U.S.C. 162a).

(d) **PAYMENT OF FUNDS TO SPOKANE BUSINESS COUNCIL.**—

(1) **REQUEST.**—At any time after funds are deposited in the Fund, the Spokane Business Council may submit to the Secretary written notice of the adoption by the Spokane Business Council of a resolution requesting that the Secretary pay all or a portion of the amounts in the Fund to the Spokane Business Council.

(2) **PAYMENT.**—Not later than 60 days after receipt of a notice under paragraph (1), the Secretary shall pay the amount requested to the Spokane Business Council.

(e) **USE OF FUNDS.**—

(1) **CULTURAL RESOURCE REPOSITORY AND INTERPRETIVE CENTER.**—

(A) **IN GENERAL.**—Of the initial deposit under subsection (b)(1), \$5,000,000 shall be used by the Spokane Business Council for the planning, design, construction, equipping, and continuing operation and maintenance of a Cultural Resource Repository and Interpretive Center to—

(i) house, preserve, and protect the burial remains, funerary objects, and other cultural resources affected by the operation of the Grand Coulee Dam; and

(ii) provide an interpretive and educational facility regarding the culture and history of the Spokane Tribe.

(B) **EFFECT.**—The funding under subparagraph (A) does not alter or affect any authority, obligation, or responsibility of the United States under—

(i) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(ii) the Archaeological Resources Protection Act (16 U.S.C. 470aa et seq.);

(iii) the National Historic Preservation Act (16 U.S.C. 470 et seq.); or  
(iv) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) OTHER USES.—Of all other amounts deposited in the Fund (including interest generated on those amounts)—

- (A) 25 percent shall be—
- (i) reserved by the Spokane Business Council; and
- (ii) used for discretionary purposes of general benefit to all members of the Spokane Tribe; and
- (B) 75 percent shall be used by the Spokane Business Council to carry out—
- (i) resource development programs;
- (ii) credit programs;
- (iii) scholarship programs; or
- (iv) reserve, investment, and economic development programs.

#### SEC. 6. PAYMENTS BY THE ADMINISTRATOR.

(a) INITIAL PAYMENT.—On March 1, 2007, the Administrator shall pay the Spokane Tribe—

(1) the amount that is equal to 29 percent of the Computed Annual Payment, for fiscal year 2005, adjusted to reflect the change in the Consumer Price Index for all urban consumers published by the Department of Labor, from the date on which the payment for fiscal year 2005 was made to the Colville Tribes to the date on which payment is made to the Spokane Tribe under this subparagraph; and

(2) the amount that is equal to 29 percent of the Computed Annual Payment for fiscal year 2006.

(b) SUBSEQUENT PAYMENTS.—On or before March 1, 2008, and March 1 of each year thereafter, the Administrator shall pay the Spokane Tribe the amount that is equal to 29 percent of the Computed Annual Payment for the previous fiscal year.

#### SEC. 7. TREATMENT AFTER FUNDS ARE PAID.

(a) USE OF PAYMENTS.—Payments made to the Spokane Business Council or Spokane Tribe under section 5 or 6 may be used or invested by the Business Council in the same manner and for the same purposes as other Spokane Tribe governmental funds.

(b) NO TRUST RESPONSIBILITY OF THE SECRETARY.—Neither the Secretary nor the Administrator shall have any trust responsibility for the investment, supervision, administration, or expenditure of any funds after the date on which the funds are paid to the Spokane Business Council or Spokane Tribe under section 5 or 6.

(c) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments of all funds to the Spokane Business Council and Spokane Tribe under sections 5 and 6, and the interest and income generated by the funds, shall be treated in the same manner as payments under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (100 Stat. 677).

(d) TRIBAL AUDIT.—After the date on which funds are paid to the Spokane Business Council or Spokane Tribe under section 5 or 6, the funds shall—

- (1) constitute Spokane Tribe governmental funds; and
- (2) be subject to an annual tribal government audit.

#### SEC. 8. REPAYMENT CREDIT.

(a) IN GENERAL.—The Administrator shall deduct from the interest payable to the Secretary of the Treasury from net proceeds (as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k))—

- (1) in fiscal year 2007, \$2,600,000; and
- (2) in each subsequent fiscal year in which the Administrator makes a payment under section 6, \$1,300,000.

(b) CREDITING.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each deduction made under this section shall be—

(A) a credit to the interest payments otherwise payable by the Administrator to the Secretary of

the Treasury during the fiscal year in which the deduction is made; and

(B) allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during the fiscal year.

(2) DEDUCTION GREATER THAN AMOUNT OF INTEREST.—If, in any fiscal year, the deduction is greater than the amount of interest due on debt associated with the generation function for the fiscal year, the amount of the deduction that exceeds the interest due on debt associated with the generation function shall be allocated pro rata to all other interest payments due during the fiscal year.

(3) CREDIT.—To the extent that a deduction exceeds the total amount of interest described in paragraphs (1) and (2), the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary of the Treasury.

#### SEC. 9. TRANSFER OF ADMINISTRATIVE JURISDICTION AND RESTORATION OF OWNERSHIP OF LAND.

(a) TRANSFER OF JURISDICTION.—The Secretary shall transfer administrative jurisdiction from the Bureau of Reclamation to the Bureau of Indian Affairs over—

(1) all land acquired by the United States under the Act of June 29, 1940 (16 U.S.C. 835d), that is located within the exterior boundaries of the Spokane Indian Reservation established pursuant to the Executive Order of January 18, 1881; and

(2) all land on the south bank of the Spokane River that—

(A) extends westerly from Little Falls Dam to the confluence of the Spokane River and Columbia River; and

(B) is located at or below contour elevation 1290 feet above sea level.

(b) RESTORATION OF OWNERSHIP IN TRUST.—All land transferred under this section—

(1) shall be held in trust for the benefit and use of the Spokane Tribe; and

(2) shall become part of the Spokane Indian Reservation.

(c) RESERVATION OF RIGHTS.—

(1) IN GENERAL.—The United States reserves a perpetual right, power, privilege, and easement over the land transferred under this section to carry out the Columbia Basin Project under the Columbia Basin Project Act (16 U.S.C. 835 et seq.).

(2) RIGHTS INCLUDED.—The rights reserved under paragraph (1) further include the right to operate, maintain, repair, and replace boat ramps, docks, and other recreational facilities owned or permitted by the United States and existing on the date of enactment of this Act.

(3) MEMORANDUM OF UNDERSTANDING.—The cognizant agencies of the Department of the Interior shall enter into a memorandum of understanding with the Spokane Tribe to provide for coordination in applying this subsection.

#### SEC. 10. SATISFACTION OF CLAIMS.

Payment by the Secretary under section 5 and the Administrator under section 6 and restoration of ownership of land in trust under section 9 constitute full satisfaction of the claim of the Spokane Tribe to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project for the past and continued use of land of the Spokane Tribe for the production of hydropower at Grand Coulee Dam.

#### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

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

Amend the title so as to read: "A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes."

The amendment (No. 4068) was agreed to, as follows:

(Purpose: To make clear that land transferred under the bill shall remain part of the Lake Roosevelt National Recreation Area)

In section 9(c), redesignate paragraph (3) as paragraph (4).

In section 9(c), after paragraph (2), insert the following:

(3) RETENTION OF NATIONAL PARK SYSTEM STATUS.—

(A) IN GENERAL.—Land transferred under this section that, before the date of enactment of this Act, was included in the Lake Roosevelt National Recreation Area shall remain part of the Recreation Area.

(B) ADMINISTRATION.—Nothing in this section affects the authority or responsibility of the National Park Service to administer the Lake Roosevelt National Recreation Area under the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.).

On page 23, Section 6, after line 11 insert the following:

(c) PAYMENT RECOVERY.—Pursuant to the payment schedule in subsection (b), the Administrator shall make commensurate cost reductions in expenditures on an annual basis to recover each payment to the Tribe. The Administrator shall include this specific cost reduction plan in the annual budget submitted to Congress.

On page 28, after line 3, insert the following:

#### SEC. 12. PRECEDENT.

Nothing in this Act establishes any precedent or is binding on the Southwestern Power Administration, Western Area Power Administration, or Southeastern Power Administration.

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1438), as amended, was read the third time and passed, as follows:

S. 1438

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) from 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost;

(2) under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)), when licenses are issued involving tribal land within an Indian reservation, a reasonable annual charge shall be fixed for the use of the land, subject to the approval of the Indian tribe having jurisdiction over the land;

(3) in August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site;

(4) had the Columbia Basin Commission or a private entity developed the site, the Spokane Tribe would have been entitled to a reasonable annual charge for the use of its land;

(5) in the mid-1930s, the Federal Government, which is not subject to licensing under the Federal Power Act (16 U.S.C. 792 et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam;

(6) when the Grand Coulee Dam project was federalized, the Federal Government recognized that—

(A) development of the project affected the interests of the Spokane Tribe and the Confederated Tribes of the Colville Reservation; and

(B) it would be appropriate for the Spokane and Colville Tribes to receive a share of revenue from the disposition of power produced at Grand Coulee Dam;

(7) in the Act of June 29, 1940 (16 U.S.C. 835d et seq.), Congress—

(A) granted to the United States—

(i) in aid of the construction, operation, and maintenance of the Columbia Basin Project, all the right, title, and interest of the Spokane Tribe and Colville Tribes in and to the tribal and allotted land within the Spokane and Colville Reservations, as designated by the Secretary of the Interior from time to time; and

(ii) other interests in such land as required and as designated by the Secretary for certain construction activities undertaken in connection with the project; and

(B) provided that compensation for the land and other interests was to be determined by the Secretary in such amounts as the Secretary determined to be just and equitable;

(8) pursuant to that Act, the Secretary paid—

(A) to the Spokane Tribe, \$4,700; and

(B) to the Confederated Tribes of the Colville Reservation, \$63,000;

(9) in 1994, following litigation under the Act of August 13, 1946 (commonly known as the "Indian Claims Commission Act" (60 Stat. 1049, chapter 959; former 25 U.S.C. 70 et seq.)), Congress ratified the Colville Settlement Agreement, which required—

(A) for past use of the Colville Tribes' land, a payment of \$53,000,000; and

(B) for continued use of the Colville Tribes' land, annual payments of \$15,250,000, adjusted annually based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration;

(10) the Spokane Tribe, having suffered harm similar to that suffered by the Colville Tribes, did not file a claim within the Indian Claims Commission Act's 5-year statute of limitations;

(11) neither the Colville Tribes nor the Spokane Tribe filed claims for compensation for use of their land with the Commission before August 13, 1951, but both Tribes filed unrelated land claims prior to August 13, 1951;

(12) in 1976, over objections by the United States, the Colville Tribes were successful in amending their 1951 Claims Commission land claims to add their Grand Coulee claim;

(13) the Spokane Tribe had no such claim to amend, having settled its Claims Commission land claims with the United States in 1967;

(14) the Spokane Tribe has suffered significant harm from the construction and operation of Grand Coulee Dam;

(15) Spokane tribal acreage taken by the United States for the construction of Grand Coulee Dam equaled approximately 39 percent of Colville tribal acreage taken for construction of the dam;

(16) the payments and land transfers made pursuant to this Act constitute fair and equitable compensation for the past and continued use of Spokane tribal land for the production of hydropower at Grand Coulee Dam; and

(17) by vote of the Spokane tribal membership, the Spokane Tribe has resolved that the payments and land transfers made pursuant to this Act constitute fair and equitable compensation for the past and continued use

of Spokane Tribal land for the production of hydropower at Grand Coulee Dam.

#### SEC. 3. PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe for the use of its land for the generation of hydropower by the Grand Coulee Dam.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of the Bonneville Power Administration or the head of any successor agency, corporation, or entity that markets power produced at Grand Coulee Dam.

(2) **COLVILLE SETTLEMENT AGREEMENT.**—The term "Colville Settlement Agreement" means the Settlement Agreement entered into between the United States and the Colville Tribes, signed by the United States on April 21, 1994, and by the Colville Tribes on April 16, 1994, to settle the claims of the Colville Tribes in Docket 181-D of the Indian Claims Commission, which docket was transferred to the United States Court of Federal Claims.

(3) **COLVILLE TRIBES.**—The term "Colville Tribes" means the Confederated Tribes of the Colville Reservation.

(4) **COMPUTED ANNUAL PAYMENT.**—The term "Computed Annual Payment" means the payment calculated under paragraph 2.b. of the Colville Settlement Agreement, without regard to any increase or decrease in the payment under section 2.d. of the agreement.

(5) **CONFEDERATED TRIBES ACT.**—The term "Confederated Tribes Act" means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (108 Stat. 4577).

(6) **FUND.**—The term "Fund" means the Spokane Tribe of Indians Settlement Fund established by section 5.

(7) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(8) **SPOKANE BUSINESS COUNCIL.**—The term "Spokane Business Council" means the governing body of the Spokane Tribe under the constitution of the Spokane Tribe.

(9) **SPOKANE TRIBE.**—The term "Spokane Tribe" means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

#### SEC. 5. SETTLEMENT FUND.

(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States an interest-bearing trust fund to be known as the "Spokane Tribe of Indians Settlement Fund", consisting of—

(1) amounts deposited in the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund.

(b) **DEPOSITS.**—From amounts made available under section 11—

(1) for fiscal year 2006, the Secretary shall deposit in the Fund \$17,800,000; and

(2) for each of the 4 fiscal years thereafter, the Secretary shall deposit in the Fund \$12,800,000.

(c) **MAINTENANCE AND INVESTMENT OF FUND.**—The Fund shall be maintained and invested by the Secretary in accordance with the Act of June 24, 1938 (25 U.S.C. 162a).

(d) **PAYMENT OF FUNDS TO SPOKANE BUSINESS COUNCIL.**—

(1) **REQUEST.**—At any time after funds are deposited in the Fund, the Spokane Business Council may submit to the Secretary written notice of the adoption by the Spokane Business Council of a resolution requesting that the Secretary pay all or a portion of the amounts in the Fund to the Spokane Business Council.

(2) **PAYMENT.**—Not later than 60 days after receipt of a notice under paragraph (1), the Secretary shall pay the amount requested to the Spokane Business Council.

(e) **USE OF FUNDS.**—

(1) **CULTURAL RESOURCE REPOSITORY AND INTERPRETIVE CENTER.**—

(A) **IN GENERAL.**—Of the initial deposit under subsection (b)(1), \$5,000,000 shall be used by the Spokane Business Council for the planning, design, construction, equipping, and continuing operation and maintenance of a Cultural Resource Repository and Interpretive Center to—

(i) house, preserve, and protect the burial remains, funerary objects, and other cultural resources affected by the operation of the Grand Coulee Dam; and

(ii) provide an interpretive and educational facility regarding the culture and history of the Spokane Tribe.

(B) **EFFECT.**—The funding under subparagraph (A) does not alter or affect any authority, obligation, or responsibility of the United States under—

(i) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(ii) the Archaeological Resources Protection Act (16 U.S.C. 470aa et seq.);

(iii) the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

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

(2) **OTHER USES.**—Of all other amounts deposited in the Fund (including interest generated on those amounts)—

(A) 25 percent shall be—

(i) reserved by the Spokane Business Council; and

(ii) used for discretionary purposes of general benefit to all members of the Spokane Tribe; and

(B) 75 percent shall be used by the Spokane Business Council to carry out—

(i) resource development programs;

(ii) credit programs;

(iii) scholarship programs; or

(iv) reserve, investment, and economic development programs.

#### SEC. 6. PAYMENTS BY THE ADMINISTRATOR.

(a) **INITIAL PAYMENT.**—On March 1, 2007, the Administrator shall pay the Spokane Tribe—

(1) the amount that is equal to 29 percent of the Computed Annual Payment, for fiscal year 2005, adjusted to reflect the change in the Consumer Price Index for all urban consumers published by the Department of Labor, from the date on which the payment for fiscal year 2005 was made to the Colville Tribes to the date on which payment is made to the Spokane Tribe under this subparagraph; and

(2) the amount that is equal to 29 percent of the Computed Annual Payment for fiscal year 2006.

(b) **SUBSEQUENT PAYMENTS.**—On or before March 1, 2008, and March 1 of each year thereafter, the Administrator shall pay the Spokane Tribe the amount that is equal to 29 percent of the Computed Annual Payment for the previous fiscal year.

(c) **PAYMENT RECOVERY.**—Pursuant to the payment schedule in subsection (b), the Administrator shall make commensurate cost reductions in expenditures on an annual basis to recover each payment to the Tribe. The Administrator shall include this specific cost reduction plan in the annual budget submitted to Congress.

#### SEC. 7. TREATMENT AFTER FUNDS ARE PAID.

(a) **USE OF PAYMENTS.**—Payments made to the Spokane Business Council or Spokane Tribe under section 5 or 6 may be used or invested by the Business Council in the same manner and for the same purposes as other Spokane Tribe governmental funds.

(b) **NO TRUST RESPONSIBILITY OF THE SECRETARY.**—Neither the Secretary nor the Administrator shall have any trust responsibility for the investment, supervision, administration, or expenditure of any funds

after the date on which the funds are paid to the Spokane Business Council or Spokane Tribe under section 5 or 6.

(c) **TREATMENT OF FUNDS FOR CERTAIN PURPOSES.**—The payments of all funds to the Spokane Business Council and Spokane Tribe under sections 5 and 6, and the interest and income generated by the funds, shall be treated in the same manner as payments under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (100 Stat. 677).

(d) **TRIBAL AUDIT.**—After the date on which funds are paid to the Spokane Business Council or Spokane Tribe under section 5 or 6, the funds shall—

(1) constitute Spokane Tribe governmental funds; and

(2) be subject to an annual tribal government audit.

#### **SEC. 8. REPAYMENT CREDIT.**

(a) **IN GENERAL.**—The Administrator shall deduct from the interest payable to the Secretary of the Treasury from net proceeds (as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k))—

(1) in fiscal year 2007, \$2,600,000; and

(2) in each subsequent fiscal year in which the Administrator makes a payment under section 6, \$1,300,000.

(b) **CREDITING.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), each deduction made under this section shall be—

(A) a credit to the interest payments otherwise payable by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made; and

(B) allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during the fiscal year.

(2) **DEDUCTION GREATER THAN AMOUNT OF INTEREST.**—If, in any fiscal year, the deduction is greater than the amount of interest due on debt associated with the generation function for the fiscal year, the amount of the deduction that exceeds the interest due on debt associated with the generation function shall be allocated pro rata to all other interest payments due during the fiscal year.

(3) **CREDIT.**—To the extent that a deduction exceeds the total amount of interest described in paragraphs (1) and (2), the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary of the Treasury.

#### **SEC. 9. TRANSFER OF ADMINISTRATIVE JURISDICTION AND RESTORATION OF OWNERSHIP OF LAND.**

(a) **TRANSFER OF JURISDICTION.**—The Secretary shall transfer administrative jurisdiction from the Bureau of Reclamation to the Bureau of Indian Affairs over—

(1) all land acquired by the United States under the Act of June 29, 1940 (16 U.S.C. 835d), that is located within the exterior boundaries of the Spokane Indian Reservation established pursuant to the Executive Order of January 18, 1881; and

(2) all land on the south bank of the Spokane River that—

(A) extends westerly from Little Falls Dam to the confluence of the Spokane River and Columbia River; and

(B) is located at or below contour elevation 1290 feet above sea level.

(b) **RESTORATION OF OWNERSHIP IN TRUST.**—All land transferred under this section—

(1) shall be held in trust for the benefit and use of the Spokane Tribe; and

(2) shall become part of the Spokane Indian Reservation.

(c) **RESERVATION OF RIGHTS.**—

(1) **IN GENERAL.**—The United States reserves a perpetual right, power, privilege,

and easement over the land transferred under this section to carry out the Columbia Basin Project under the Columbia Basin Project Act (16 U.S.C. 835 et seq.).

(2) **RIGHTS INCLUDED.**—The rights reserved under paragraph (1) further include the right to operate, maintain, repair, and replace boat ramps, docks, and other recreational facilities owned or permitted by the United States and existing on the date of enactment of this Act.

(3) **RETENTION OF NATIONAL PARK SYSTEM STATUS.**—

(A) **IN GENERAL.**—Land transferred under this section that, before the date of enactment of this Act, was included in the Lake Roosevelt National Recreation Area shall remain part of the Recreation Area.

(B) **ADMINISTRATION.**—Nothing in this section affect the authority or responsibility of the National Park Service to administer the Lake Roosevelt National Recreation Area under the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.).

(4) **MEMORANDUM OF UNDERSTANDING.**—The cognizant agencies of the Department of the Interior shall enter into a memorandum of understanding with the Spokane Tribe to provide for coordination in applying this subsection.

#### **SEC. 10. SATISFACTION OF CLAIMS.**

Payment by the Secretary under section 5 and the Administrator under section 6 and restoration of ownership of land in trust under section 9 constitute full satisfaction of the claim of the Spokane Tribe to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project for the past and continued use of land of the Spokane Tribe for the production of hydropower at Grand Coulee Dam.

#### **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

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

#### **SEC. 12. PRECEDENT.**

Nothing in this Act establishes any precedent or is binding on the Southwestern Power Administration, Western Area Power Administration, or Southeastern Power Administration.

The title was amended so as to read: "A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes."

#### **INDIVIDUAL INDIAN MONEY ACCOUNT TRUST FUND LAWSUIT**

Mr. CRAIG. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged from further consideration of S. Res. 248 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 248) expressing the sense of the Senate concerning the individual Indian money account trust fund lawsuit.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Campbell amendment at the desk be agreed to, the resolution be agreed to, the preamble, as amended, be agreed to, the

motion to reconsider be laid upon the table, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4070) was agreed to, as follows:

(Purpose: To provide a complete substitute for the preamble)

Whereas, since the 19th century, the United States has held Indian funds and resources in trust for the benefit of Indians, and in its capacity as trustee, is obligated to protect those funds and resources;

Whereas the Senate reaffirms that in continuing to hold and manage Indian funds and resources for the benefit of the Indians, the United States must act in accordance with all applicable standards and duties of care;

Whereas, in 1996, a class action was brought against the United States seeking an accounting of balances of individual Indian money accounts and rehabilitation of the trust system;

Whereas after 8 years of litigation and the expenditure of tens of millions of dollars in Federal funds, the Senate believes that there is a demonstrated need to assist and encourage the parties in reaching a full, fair, and final resolution to the class action litigation; and

Whereas the resolution of the class action litigation may be achieved through alternative dispute resolution processes, including mediation: Now, therefore, be it

The amendment (No. 4070) was agreed to.

The resolution was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

The resolution will be printed in a future edition of the RECORD.

#### **REAUTHORIZING THE HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998**

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3014, which was introduced earlier today by Senators SNOWE and BREAU.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3014) to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statement regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3014) was read the third time and passed, as follows:

S. 3014

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*