Public Law 100-581
100th Congress

An Act

Nov. 1, 1988
[H.R. 2677]

To establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987).

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

TITLE I—INDIAN REORGANIZATION ACT AMENDMENTS

SEC. 101. Section 16 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 476) is amended to read as follows:

"SEC. 16. (a) Any Indian tribe shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, and any amendments thereto, which shall become effective when—

(1) ratified by a majority vote of the adult members of the tribe or tribes at a special election authorized and called by the Secretary under such rules and regulations as the Secretary may prescribe; and

(2) approved by the Secretary pursuant to subsection (d) of this section.

(b) Any constitution or bylaws ratified and approved by the Secretary shall be revocable by an election open to the same voters and conducted in the same manner as provided in subsection (a) for the adoption of a constitution or bylaws.

(c)(1) The Secretary shall call and hold an election as required by subsection (a)—

(A) within one hundred and eighty days after the receipt of a tribal request for an election to ratify a proposed constitution and bylaws, or to revoke such constitution and bylaws; or

(B) within ninety days after receipt of a tribal request for election to ratify an amendment to the constitution and bylaws.

(2) During the time periods established by paragraph (1), the Secretary shall—

(A) provide such technical advice and assistance as may be requested by the tribe or as the Secretary determines may be needed; and

(B) review the final draft of the constitution and bylaws, or amendments thereto to determine if any provision therein is contrary to applicable laws.

(3) After the review provided in paragraph (2) and at least thirty days prior to the calling of the election, the Secretary shall notify the tribe, in writing, whether and in what manner the Secretary has found the proposed constitution and bylaws or amendments thereto to be contrary to applicable laws.

(d)(1) If an election called under subsection (a) results in the adoption by the tribe of the proposed constitution and bylaws or amendments thereto, the Secretary shall approve the constitution and bylaws or amendments thereto within forty-five days after the

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election unless the Secretary finds that the proposed constitution and bylaws or any amendments are contrary to applicable laws.

(2) If the Secretary does not approve or disapprove the constitution and bylaws or amendments within the forty-five days, the Secretary's approval shall be considered as given. Actions to enforce the provisions of this section may be brought in the appropriate Federal district court.

(e) In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local governments. The Secretary shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Office of Management and Budget and the Congress.

State and local governments.

SEC. 102. For the purpose of this Act, the term—

25 USC 476 note.

(1) "applicable laws" means any treaty, Executive order or Act of Congress or any final decision of the Federal courts which are applicable to the tribe, and any other laws which are applicable to the tribe pursuant to an Act of Congress or by any final decision of the Federal courts;

(2) "appropriate tribal request" means receipt in the Area Office of the Bureau of Indian Affairs having administrative jurisdiction over the requesting tribe, of a duly enacted tribal resolution requesting a Secretarial election as well as a copy of the proposed tribal constitution and bylaws, amendment, or revocation action;

(3) "Secretary" means the Secretary of the Interior.

SEC. 103. Nothing in this Act is intended to amend, revoke, or affect any tribal constitution, bylaw, or amendment ratified and approved prior to this Act.

25 USC 476 note.

TITLE II—MISCELLANEOUS AMENDMENTS TO EXISTING LAWS

SEC. 201. Subsection (b) of section 3 of the Old Age Assistance Claims Settlement Act (98 Stat. 2317; 25 U.S.C. 2302(b)) is amended to read as follows:

"(b) No payment shall be made to a person under subsection (a) with respect to any unauthorized disbursement from the trust estate of a deceased Indian if—

"(1) the total amount of unauthorized disbursements from such trust estate was less than $50; or

"(2) the payment (not including interest) would be less than $10.".

SEC. 202. Section 4(b) of the Act of September 9, 1988 (Public Law 100-425) entitled "An Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes" is amended by striking out "4" in the first column of the description of the thirty-eighth tract of land listed in that subsection and inserting in lieu thereof "2".

25 USC 713f note.

SEC. 203. Notwithstanding any other provision of law, the plan dated July 7, 1988, that was submitted by the Assistant Secretary of

the Interior for Indian Affairs to the Congress pursuant to the Indian Tribal Judgment Funds Use or Distribution Act, 87 Stat. 466, as amended (25 U.S.C. 1401 et seq.) for the division and use of the judgment funds awarded the Choctaw and Chickasaw Indians in Docket Numbered 387-85L of the United States Claims Court shall take effect upon enactment of this Act: *Provided,* That in the case of the Chickasaw portion of the Plan, instead of the action by the tribal governing body or of the Chickasaw electorate, the Plan shall be deemed to require the proposal of a budget in accordance with the tribe's governing documents, subject to the approval of the Secretary of the Interior.

SEC. 204. Section 4 of Public Law 99-283 (100 Stat. 404) is amended by striking out all that precedes paragraph (1) and inserting in lieu thereof the following:

"SEC. 4. The balance of the income derived by the Secretary of the Interior from the interests in the land described in section 1 that was transferred to the Treasury of the United States as miscellaneous receipts shall be transferred from the General Fund of the Treasury of the United States to, and held in trust by, the Secretary of the Interior for use as follows:".

SEC. 205. Paragraph (1) of section 2(c) of Public Law 96-135 (25 U.S.C. 472a(c)(1)) is amended by striking out "an employee" and inserting in lieu thereof "an applicant or employee".

SEC. 206. Section 23 of the Act of June 25, 1910 (36 Stat. 861; 25 U.S.C. 47) is amended by striking out "products" and inserting in lieu thereof "products (including, but not limited to printing, notwithstanding any other law)".

33 USC 1377.

SEC. 207. Subsection (c) of section 518 of the Federal Water Pollution Control Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", as defined in subsection (h) and former Indian reservations in Oklahoma (as determined by the Secretary of the Interior) and Alaska Native Villages as defined in Public Law 92-203.".

25 USC 450b.

SEC. 208. (a) Subsection (h) of section 4 of the Indian Self-Determination and Education Assistance Act as amended by section 103 of the Indian Self-Determination and Education Assistance Act Amendments of 1988 is further amended—

(1) by striking out "by tribal organization" and inserting in lieu thereof "by a tribal organization"; and

(2) by striking out "a tribal organization or a tribal governing body" and inserting in lieu thereof "a tribal organization or the tribal organization's Indian tribe for purposes of section 102(a) of this Act".

(b) Subsection (j) of section 4 of the Indian Self-Determination and Education Assistance Act as amended by section 103 of the Indian Self-Determination and Education Assistance Act Amendments of 1988 is further amended—

(1) by striking out "Secretary the planning" and inserting in lieu thereof "the Secretary for the planning"; and

(2) by striking out "no contract" and inserting in lieu thereof "except as provided the last proviso in section 105(a) of this Act, no contract".

25 USC 450c.

SEC. 209. Subsection (e) of section 5 of the Indian Self-Determination and Education Assistance Act as amended by section 104(b) of the Indian Self-Determination and Education Assistance Act Amendments of 1988 is further amended by striking out "to tribes" and inserting in lieu thereof "to each tribe".

SEC. 210. Subsection (c)(2) of section 102 of the Indian Self-Determination and Education Assistance Act as amended by section 201 of the Indian Self-Determination and Education Assistance Act Amendments of 1988 is further amended by striking out "section 1425 of title 25, United States Code" and inserting in lieu thereof "section 3 of the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.)". 25 USC 450f.

SEC. 211. Section 109 of the Indian Self-Determination and Education Assistance Act is amended by striking out "after providing notice and hearing to such tribal organization" and inserting in lieu thereof "after providing notice and hearing on the record to such tribal organization" and by striking out "in such cases, he shall hold a hearing within ten days thereof" and inserting in lieu thereof "in such cases, he shall provide the tribal organization with a hearing on the record within ten days or such later date as the tribal organization may approve.". 25 USC 450m.

SEC. 212. (a) Subsection (a) of section 110 of the Indian Self-Determination and Education Assistance Act as amended by section 201 of the Indian Self-Determination and Education Assistance Act Amendments of 1988 is further amended by striking out "over civil action" and inserting in lieu thereof "over any civil action". 25 USC 450m-1.

(b) Subsection (b) of section 100 of the Indian Self-Determination and Education Assistance Act as amended by section 201 of the Indian Self-Determination and Education Assistance Act Amendments of 1988 is further amended by striking out "an Indian tribe" and inserting in lieu thereof "tribal organization" and by striking out "such tribe" and inserting in lieu thereof "such tribal organization".

(c) Subsection (c) of section 110 of the Indian Self-Determination and Education Assistance Act as amended by section 201 of the Indian Self-Determination and Education Assistance Act Amendments of 1988 is further amended to read as follows: 25 USC 450m-1.

"(c) The Equal Access to Justice Act (Publc Law 96-481, Act of October 1, 1980; 92 Stat. 2325, as amended), section 504 of title 5, United States Code, and section 2412 of title 28, United States Code shall apply to administrative appeals pending on or filed after the date of enactment of the Indian Self-Determination and Education Assistance Act Amendments of 1988 by tribal organizations regarding self-determination contracts.".

SEC. 213. Subsection (c) of the Act of August 31, 1964 (Public Law 88-540; 78 Stat. 747, 25 U.S.C. 608(c)) is amended to read as follows:

"(c) Lands and interests in lands acquired by the Secretary pursuant to section (a)(1) of this Act and for the benefit of the Yakima Indian Nation pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465) shall be held in trust by the United States for the benefit of the Yakima Indian Nation.".

SEC. 214. Section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465) is amended by striking out "this Act" and inserting in lieu thereof "this Act or the Act of July 28, 1955 (69 Stat. 392), as amended (25 U.S.C. 608 et seq.)".

SEC. 215. Section 816 of the Native American Programs Act of 1974 is amended by striking out "the preceding fiscal year" in subsection (c)(2) and inserting in lieu thereof "fiscal year 1987". 42 USC 2992d.

SEC. 216. Subsection (b) of section 5 of Public Law 86-339 (73 Stat. 604; 25 U.S.C. 955) is amended by the following new sentence at the end thereof: "A payment and the income derived therefrom heretofore or hereafter made to an allottee as compensation for the

acquisition of part or all of the allottee's allotment for a public purpose is—

(1) deemed a cash payment in lieu of an allotment for purposes of this subsection;

(2) deemed a right under subsection (a) of this section; and

(3) subject to the Act of March 2, 1931, ch. 374, 46 Stat. 1471 (25 U.S.C. 409a) and the undesignated provision added to the Act of Febraury 8, 1887, ch. 119, by the Act of June 21, 1906, ch. 3504, 34 Stat. 327 (25 U.S.C. 410).".

SEC. 217. The Secretary of the Interior shall pay to the Tiospa Zina Tribal School from lapsed balances of funds appropriated for the Bureau of Indian Affairs for fiscal year 1987 the amount that the Director of the Office of Indian Education Programs of the Bureau determines that the School should have received that year for start-up costs.

43 USC 1613 note.

SEC. 218. Subsection (a)(1) of section 2 of Public Law 94-204 (89 Stat. 1148), as amended by section 1411(a) of Public Law 96-487 (94 Stat. 2497), is amended by inserting in the first paragraph after "resources of lands" and before "withdrawn" the following: ", including wildlife proceeds received between the date of withdrawal and the date of conveyance from harvests on lands conveyed pursuant to the Act,".

Claims. Garret White. Many Whitehorse. John Benedict Renville. Mary Lois Peterson Munoz.

TITLE III—TO TRANSFER OWNERSHIP OF CERTAIN LANDS HELD IN TRUST FOR THE BLACKFEET TRIBE, AND FOR OTHER PURPOSES

SEC. 301. (a) As compensation for and in settlement of all claims arising as the result of alleged errors in the Secretary of the Interior's approval of purported conveyances of land involved in the will of Garret White (also known as Many Whitehorse), upon certification by the Secretary of the Interior that the conditions precedent in subsection (c) have been met, the Secretary of the Treasury is directed to pay as a settlement under 1304(a)(1) of title 31, United States Code, not to exceed the following sums—

(1) $50,000.00 to John Benedict Renville of the Blackfeet Indian Reservation;

(2) $58,500.00 to be held in trust by the Secretary of the Interior for the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana;

(3) $127,000.00 to Mary Lois Peterson Munoz of Cut Bank, Montana; and

(4) $165,535.00, to the Secretary of the Interior to be held in trust for John Benedict Renville, less attorney fees paid to the attorney for John Benedict Renville as provided in this title.

(b) The payment and acceptance of such compensation shall be in full satisfaction of all claims that the receiving party has against the United States or any employee or officer thereof, and against any other party, in connection with the purported sale of some five hundred and forty acres of trust land involved in the will of Garret White to the Blackfeet Tribe approved October 28, 1946, the purported exchange of some two hundred and eighty acres of the land by the Tribe for other land, and the purported acquisition of the two hundred and eighty acres by Mary Lois Peterson Munoz.

(c) Each of the following is a condition precedent to any payment under subsection (a) of this Act:

(1) Each of the parties shall execute such releases, conveyances, or other documents as the Secretary of the Interior determines are necessary to carry out this Act by settling the claims and transferring interests in and clearing titles to the land involved. The execution of such documents on behalf of the Blackfeet Tribe is hereby authorized and is deemed approved under Resolution 250-87 of the Blackfeet Tribal Business Council and such documents may be executed by the Chairman. The Secretary of the Interior may approve and execute on behalf of the United States such documents as are necessary to carry out this Act.

(2) The Blackfeet Tribe shall transfer its interests in the remaining approximately two hundred and forty acres of land acquired by the Tribe on October 28, 1946, to the Secretary of the Interior who shall take the interests in trust for John Benedict Renville.

(3) Mary Lois Peterson Munoz shall transfer to the Secretary of the Interior all of her interests in the approximately two hundred and eighty acres of land which had been acquired by the Blackfeet Tribe on October 28, 1946, to the Secretary of the Interior who shall take the interests in trust for John Benedict Renville.

(4) A final order has been entered in the civil action entitled John Benedict Renville v. Blackfeet Tribe of Indians, et al., No. CV-84-41-6F, in the United States District Court for the District of Montana dismissing with prejudice all claims, crossclaims, counterclaims, third-party claims, and all other claims arising out of such civil action.

(d) The land and the interests therein acquired in trust by the Secretary of the Interior under this title shall be subject to the laws that would apply if the sale of October 28, 1946, had not taken place.

(e) The amounts paid under subsection (a) of this title to John Benedict Renville are subject to section 7 of the Act of October 19, 1973 (87 Stat. 468; 25 U.S.C. 1407), as amended.

(f) The amounts paid under subsection (a) of this Act to Mary Lois Peterson Munoz shall be considered as funds for condemnation proceedings as provided for in section 1033 of the Internal Revenue Code.

(g) No part of any amount paid under this Act in excess of 10 percent of such amount, including the value of the land returned, shall be paid or delivered to, or received by, any agent or attorney on account of services rendered John Benedict Renville in connection with any claim settled under this Act and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this subsection shall be a misdemeanor punishable by a fine of no more than $1,000.

Law enforcement and crime.

(h) The Secretary of the Interior shall cause to be made an appraisal of the value of the lands described in subsection (b) as of the date of enactment of this Act; and the sums paid to the Blackfeet Tribe and Mary Lois Peterson Munoz under subsection (a) of this Act shall not exceed such appraisal values, plus a reasonable attorney's fee, not to exceed 10 percent of such award, any contract to the contrary notwithstanding. Violation of this subsection shall be a misdemeanor punishable by a fine of no more than $1,000.

Law enforcement and crime.

TITLE IV—COLUMBIA RIVER TREATY FISHING ACCESS SITES

Public lands.

SEC. 401. (a) All Federal lands within the area described on maps numbered HR2677 sheets 1 through 12, dated September 21, 1988, and on file in the offices of the Secretary of the Interior, the Secretary of the Army and the Columbia River Gorge Commission shall, on and after the date of enactment of this Act, be administered to provide access to usual and accustomed fishing areas and ancillary fishing facilities for members of the Nez Perce Tribe, the Confederated Tribes of Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of the Yakima Indian Nation.

(b) Notwithstanding any other provision of law, the Secretary of the Army shall—

(1) identify and acquire additional lands adjacent to the Bonneville Pool from willing sellers until such time that at least six sites have been acquired adjacent to the Bonneville Pool for the purpose of providing access and ancillary fishing facilities for the members of the Indian tribes referred to in subsection (a); and

Conservation.

(2) improve the lands referred to in subsections (a) and paragraph (1) of subsection (b) and maintain such lands until such time as the lands are transferred to the Department of the Interior for the purpose of maintaining the sites. Such improvements shall include, but not be limited to, camping and park facilities to the same standards as those provided in the National Park System; all weather access roads and boat ramps; docks; sanitation; fish cleaning, curing, and ancillary fishing facilities; electrical and sewage facilities; and landscaping; and

Recreation.

Washington.
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Conservation.
Recreation.

(3) make improvements at existing sites, including but not limited to dredging at the site at Wind River, Washington, and constructing a boat ramp on or near the site at Cascade Locks, Oregon.

(c) The Secretary of the Army shall treat the costs of implementation of paragraphs (2) and (3) of subsection (b) as project costs of the Army Corps of Engineers Columbia River projects, and such costs shall be allocated in accordance with existing principles of allocating Columbia River project costs. Funds heretofore and hereafter appropriated to the Secretary of the Army for maintenance and development of Columbia River projects may be used to defray the costs of accomplishing the purposes of this Act.

Appropriation authorization.

(d) There is hereby authorized to be appropriated a sum not to exceed $2,000,000 to implement the purposes of subsection (b)(1).

(e) The Secretary of the Interior shall be vested with the right of first refusal, after consultation with the Indian entities in subsection (a), to acccept any lands adjacent to the Columbia River within the Bonneville, Dalles, and John Day Pools now owned or subsequently acquired by any Federal agency and declared to be excess lands or otherwise offered for sale or lease by such Federal agency, and upon such acceptance, such Federal agency shall transfer such lands to the Secretary for the purpose of Indian treaty fishing: *Provided however,* That total acreage of sites provided under this section adjacent to the Bonneville Pool of the Columbia River not exceed three hundred and sixty acres.

(f) Nothing in this Act shall be construed as repealing, superseding, or modifying any right, privilege, or immunity granted, re-

served, or established pursuant to treaty, statute, or Executive order pertaining to any Indian tribe, band, or community.

TITLE V—POTAWATOMI JUDGMENT FUNDS

SEC. 501. That, notwithstanding any provision of the Act of October 19, 1973 (87 Stat. 466; 25 U.S.C. 1401, et seq.), or any other law, regulation, or plan promulgated pursuant thereto, the funds appropropriated in satisfaction of the judgment awarded to the Wisconsin Band of Potawatomi in docket 28 of the United States Claims Court (including all interests and investment income accrued thereon) shall be used and distributed as provided in this title.

SEC. 502. (a) The funds appropriated with respect to the judgment awarded the Wisconsin Band of Potawatomi in docket 28 of the United States Claims Court (less attorney fees and litigation expenses), including all interest and investment income accrued thereon, are allocated as follows:

(1) $^{14}/_{451}$ of such funds are allocated to the Hannahville Indian Community, and

(2) $^{31}/_{451}$ of such funds shall be allocated to the Forest County Potawatomi.

(b)(1) The funds allocated to each Indian tribe under subsection (a), and any interest and investment income accrued on such funds, are hereby declared to be held in trust by the United States for the benefit of such Indian tribe and shall be invested by the Secretary of the Interior for the benefit of such Indian tribe. Securities.

(2) The funds held in trust by the United States under paragraph (1) for the benefit of an Indian tribe shall be available to the governing body of such Indian tribe, on a budgetary basis and subject to the approval of the Secretary of the Interior, for tribal, social, and economic development programs for such Indian tribe.

SEC. 503. None of the funds held in trust by the United States under this title (including interest and investment income accrued on such funds while such funds are held in trust by the United States), and none of the funds made available under this title for programs or for distributions under any programs, shall be subject to Federal, State, or local income taxes, nor shall such funds nor their availability be considered as income or resources or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which any household or individual would otherwise be entitled under the Social Security Act or, except for per capita payments in excess of $2,000, any other Federal or federally assisted program. Taxes.

TITLE VI—POTAWATOMI TRUST LANDS

SEC. 601. (a) All rights, title and interests of the United States in the surface and mineral estate of approximately 11,300 acres of land located in Forest County and Oconto County, Wisconsin, that was acquired by the United States by reason of section 24 of the Act of June 30, 1913 (38 Stat. 102), including any improvements on such land, are hereby declared to be held by the United States in trust for the benefit and use of the Forest County Potawatomi Community of Wisconsin and such land is hereby declared to be the reservation of the Forest County Potawatomi Community of Wisconsin. Wisconsin.

(b) All rights, title, and interests of the United States in the surface and mineral estates of approximately 3,359 acres of land Michigan.

located in Menominee County, Michigan, that was acquired by the United States by reason of section 24 of the Act of June 30, 1913 (38 Stat. 102), including any improvements on such lands, are hereby declared to be held by the United States in trust for the benefit and use of the Hannahville Indian Community of Michigan, and such land is hereby declared to be the reservation of the Hannahville Indian Community of Michigan.

Federal Register, publication. Minerals and mining.

SEC. 602. The Secretary of the Interior shall publish in the Federal Register a detailed description of the lands referred to in this title.

SEC. 603. Nothing in this title shall deprive any person (other than the United States) of any lease, right-of-way, mining claim, grazing permit, water right, or other right or interest which such person may have in the surface or mineral estate of any land referred to in section 1 on the day before the date of enactment of this Act.

Southern California Indian Land Transfer Act.

TITLE VII—SOUTHERN CALIFORNIA INDIAN LAND TRANSFER

SEC. 701. SHORT TITLE.

This title may be cited as the "Southern California Indian Land Transfer Act".

SEC. 702. LANDS HELD IN TRUST FOR VARIOUS GROUPS AND BANDS OF MISSION INDIANS.

(a) IN GENERAL.—Subject to section 3, all right, title, and interest of the United States in and to the lands described in subsection (b) in connection with each band or group of Mission Indians listed in the table contained in such subsection (including all improvements on such land and appurtenances to such land) are hereby declared—

(1) to be held in trust by the United States for the benefit of such band or group listed in such table, and

(2) to be part of the reservation listed in connection with each such band or group in such table.

(b) LAND DESCRIBED.—

(1) The lands referred to in subsection (a) are the lands which are described in paragraph (2) and are adjacent to the reservation of a band or group of Mission Indians, as listed in the following table and generally described as "Lands identified in the Proposed So. California Indian Land Transfer Act" and depicted on the map entitled "Southern California Indian Land Transfer Act Map", May 1988:

Band or group of Mission Indians	Approximate acreage	Reservation
Barona Group of Capitan Grande Band	722.86	Barona Ranch
Cahuilla Band	611.88	Cahuilla
Campo Band	470.28	Campo
La Jolla Band	355.51	La Jolla
La Posta	84.20	La Posta
Mesa Grande Band	800.00	Mesa Grande
Morongo Band	107.00	Morongo
Pala Band	415.00	Pala
Pechanga Band	302.64	Pechanga
Rincon Band	320.00	Rincon
Soboba	880.00	Soboba.

(2) The lands described in this paragraph are as follows:

(A) Lands with respect to the Barona Group of Capitan Grande Band:

T. 14S., R. 1E., SBM

Section 13, NE¼, N½SE¼;

T. 14S., R. 2E., SBM

Section 7, Lots 5, 6, 10, 11, 12, 21 and 22, E½NE¼, NE¼SW¼, SE¼;

Section 18, Lot 1, W½NE¼, NE¼NW¼;

(B) Lands with respect to the Cahuilla Band:

T. 8S., R. 2E., SBM

Section 11, Lots 5 through 8, 11, and 12;

Section 12, Lots 17 through 19;

T. 8S., R. 3E., SBM

Section 7, Lots 8 through 15;

Section 8, Lots 7, 8, and 12;

(C) Lands with respect to the Campo Band:

T. 17S., R. 6E., SBM

Section 17, S½NE¼, SE¼;

Section 35, Lots 3, 5, and 7, N½S½;

Section 36, Lots 6 and 9;

(D) Lands with respect to the La Jolla Band:

T. 11S., R. 1E., SBM

Section 2, Lots 1 through 4, S½NW¼;

Section 3, Lots 1 through 3;

(E) Lands with respect to the La Posta Band:

T. 17S., R. 6E., SBM

Section 6, Lots 6 through 8, SW¼NW¼;

(F) Lands with respect to the Mesa Grande Band:

T. 12S., R. 2E., SBM

Section 23, NE¼, N½SE¼, E½NW¼;

Section 24, NW¼NW¼, S½NW¼, NW¼SW¼, S½SW¼;

Section 25, E½NW¼, W½NE¼, W½SE¼;

(G) Lands with respect to the Morongo Band:

T. 3S., R. 1E., SBM

Section 34, S½NW¼NW¼;

T. 3S., R. 2E., SBM

Section 20, Lot 10;

Section 32, W½NW¼NE¼, N½SE¼NW¼, SW¼SE¼NW¼;

(H) Lands with respect to the Pala Band:

T. 9S., R. 2W., SBM

Section 13, SW¼SW¼ (excepting the patented portions of MS 6452 and MS 6848 and excepting those portions of public land not contiguous to the Indian Reservation);

Section 14, W½W½ (excepting the patented portion of MS 6458), SE¼SE¼ (excepting the patented portion of MS 6452 and excepting those portions of public land not contiguous to the Indian Reservation);

Section 15, NE¼NE¼, S½NE¼, E½W½, SE¼ (excepting the patented portions of MS 4886, MS 4926, and MS 6458);

(I) Lands with respect to the Pechanga Band:

T. 8S., R. 2W., SBM

Section 23, Lots 4 and 5, S½SW¼, SE¼;

(J) Lands with respect to the Rincon Band:

T. 10S., R. 1W., SBM

Section 28, SE¼, E½SW¼;

Section 33, N½NE¼;

(K) Lands with respect to the Soboba Band:

T. 4S., R. 1E., SBM

Section 20, SE¼SW¼;

Section 33, S½;

Section 34, W½NE¼, W½, W½SE¼, SE¼SE¼.

SEC. 703. EXISTING RIGHTS PRESERVED; RIGHT OF CERTAIN CURRENT LESSEES TO PURCHASE; MISCELLANEOUS PROVISIONS.

(a) EXISTING RIGHTS PRESERVED.—The declarations contained in section 702 shall not affect—

(1) any right or interest of any person in any land described in such section under any legal right-of-way, mining claim, or grazing permit in effect on the day before the date of the enactment of this Act, or

(2) any other right, title, or interest which such person may have in such land on such day.

(b) RIGHT OF HOLDER OF GRAZING PERMIT TO PURCHASE LANDS.—

(1) IN GENERAL.—Any person who holds a valid grazing permit and lease (as such term is defined in section 103(p) of the Federal Land Policy and Management Act of 1976) with respect to any land described in section 702 shall have the right to purchase such land before the end of the 1-year period beginning on the date of the enactment of this title for the fair market value of such land (determined as of the date of purchase) on such terms and conditions as the Secretary of the Interior may prescribe. The declarations in section 602 relating to the trust and reservation status of such land shall take effect subject to the right of purchase established under this paragraph.

(2) NOTICE BY SECRETARY REQUIRED.—Before the end of the 30-day period beginning on the date of the enactment of this Act, the Secretary of the Interior shall notify each person referred to in paragraph (1) of the right of purchase established under such paragraph.

(3) PROCEEDS OF SALE TO BE HELD IN TRUST FOR INDIANS.—In the case of any sale of land under paragraph (1), the proceeds of such sale shall be held in trust by the Secretary of the Interior for the benefit of the band or group of Mission Indians for whose benefit such land is held after the date of the enactment of this Act and before such sale. The net income on the amount held in trust by such Secretary shall be available for use or obligation by such band or group in such manner and for such purposes as the Secretary may approve.

(c) PROCEEDS FROM RENTS AND ROYALTIES TRANSFERRED TO INDIANS.—Amounts which accrue to the United States after the date of the enactment of this Act from sales, bonuses, royalties, and rentals relating to any land described in section 602 shall be avail-

able for use or obligation, in such manner and for such purposes as the Secretary may approve, by the band or group of Mission Indians for whose benefit such land is held after the date of the enactment of this Act.

(d) ADDITIONS TO RESERVATIONS SUBJECT TO LAWS GOVERNING EXISTING RESERVATIONS.—Any lands which are held in trust for the benefit of any band or group of Indians pursuant to this title shall be subject to the laws of the United States relating to Indian land in the same manner and to the same extent as the lands comprising the reservation of such group or band on the day before the date of the enactment of this Act.

Approved November 1, 1988.

LEGISLATIVE HISTORY—H.R. 2677:

HOUSE REPORTS: No. 100-453 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-577 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 133 (1987): Dec. 7, considered and passed House.
Vol. 134 (1988): Sept. 30, considered and passed Senate, amended.
Oct. 6, House concurred in Senate amendment.

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