

Public Law 96-484
96th Congress

An Act

To ratify a settlement agreement in a land dispute between the Pamunkey Indian Tribe and the Southern Railway Company, and for other purposes.

Nov. 24, 1980

[H.R. 7212]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that:

Pamunkey
Indian Tribe.
Land dispute
with Southern
Railway Co.

(1) The Pamunkey Indian Tribe of King William County, Virginia (hereafter in this Act referred to as the "Tribe") and the Southern Railway Company, a public common carrier by railroad (hereafter in this Act referred to as the "Railroad"), seek to resolve a dispute concerning the title and use of certain lands located in King William County, Virginia, and used by the Railroad in its operations as a common carrier by railroad.

(2) The claims of the Tribe are based in part on the doctrine of aboriginal title and in part on section 2116 of the Revised Statutes of the United States (25 U.S.C. 177).

(3) The Tribe and the Railroad have executed a Settlement Agreement, dated November 21, 1979, to resolve the dispute referred to in paragraph (1). Such Settlement Agreement requires ratification by the Congress as a condition to its effectiveness, and provides generally that—

Settlement
Agreement,
provisions.

(A) all claims of the Tribe or any of its members against the Railroad arising from the acquisition or use by the Railroad or any predecessor railroad of certain described lands for its operations as a common carrier by railroad are waived and surrendered;

(B) the Railroad shall have a right to continued and perpetual use of certain described lands used by the Railroad as a railroad right-of-way;

(C) the Railroad shall pay to the Tribe \$100,000;

(D) the Railroad shall make to the Tribe an annual payment based on a certain fair rental value amount, commencing November 21, 1989; and

(E) all rights and title of the Railroad in certain described lands shall revert to the Tribe if and when the Railroad shall abandon and no longer use those lands.

(4) The terms of the Settlement Agreement fairly resolve the dispute between the Tribe and the Railroad, and assure that the Railroad will be able to continue its present common carrier operations on the disputed lands.

- Definitions. SEC. 2. As used in this Act, the term "lands" shall include any interest in or right involving lands, waters, or lands submerged by waters, including rights-of-way thereon; the term "transfer" shall include the creation or continuance of any such interest; and the term "Settlement Agreement" shall mean the Settlement Agreement described in paragraph (3) of the first section of this Act.
- Congressional approval and ratification. SEC. 3. The Congress hereby approves and ratifies the Settlement Agreement and all transfers of land provided for in the Settlement Agreement. All such transfers shall be deemed to have been made in accordance with all laws of the United States that are specifically applicable to transfers of lands from, by or on behalf of any Indian, Indian nation, or tribe of Indians including section 2116 of the Revised Statutes of the United States (25 U.S.C. 177).
- Claims. SEC. 4. All claims, including claims for trespass damages and claims arising out of use and occupancy, of the Tribe or any of its members, whether brought by themselves or by the United States or any other person or entity on behalf of such Tribe or its members, against the United States with respect to the lands which are the subject matter of the Settlement Agreement or against the Railroad arising before the Settlement Agreement becomes effective, shall be waived and surrendered when the Settlement Agreement becomes effective.
- Waiver. SEC. 5. The United States hereby accepts the waiver executed by the Tribe on May 31, 1980, of all claims (including but not limited to trespass damages, claims based on use and occupancy, breach of trust or the right to just compensation) against the United States, its officers or agents, any State or subdivision thereof, or any other person or entity, with respect to the lands which are the subject matter of the Settlement Agreement, arising before the Settlement Agreement becomes effective or out of the enactment of this Act.
- 26 USC 1 *et seq.* SEC. 6. For purposes of chapter 1 of the Internal Revenue Code of 1954, the gross income of the Tribe shall not include any amount received or accrued by such Tribe under the Settlement Agreement, including the \$100,000 referred to in paragraph (3)(C) of the first section of this Act, and the payments referred to in paragraph (3)(D) of such section. Nothing in the preceding sentence shall be construed to prevent the inclusion in the gross income of any individual of any amount so received or accrued which is distributed to such individual.
- Leasing terms. SEC. 7. Notwithstanding any restriction of Federal law which may be applicable to the transfer of lands of the Tribe, the Tribe is hereby authorized, by resolution of its duly constituted council or in a manner as provided by its laws and customs, to lease for a term not to exceed twenty-five years with a renewal for one additional term of not to exceed twenty-five years with the consent of both parties, lands owned by the Tribe; or to grant easements or rights-of-way across lands owned by the Tribe. Any other transfer shall be subject to any Federal restriction which may be applicable to the transfer of lands of the Tribe.

SEC. 8. Nothing in this Act constitutes recognition or acknowledgement of the Pamunkey Indians as a tribe subject to the plenary control of Congress or affects the rights of the Pamunkey Indians to petition the Secretary of the Interior for acknowledgement of their status as an Indian tribe and to seek entitlement to all rights, privileges, and immunities enjoyed by other recognized or acknowledged tribes. Nothing in this Act imposes any trust responsibility on the United States with respect to the Tribe.

SEC. 9. To the extent that there may be any conflict between any provisions of this Act and any other applicable Federal law or laws, the provisions of this Act shall govern.

Approved November 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1144 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-1001 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Aug. 18, considered and passed House.
Nov. 12, considered and passed Senate.