

103^D CONGRESS
2^D SESSION

S. 1903

To ratify a compact between the Assiniboine and Sioux Indian Tribes of the Fort Peck Reservation and the State of Montana.

IN THE SENATE OF THE UNITED STATES

MARCH 8 (legislative day, FEBRUARY 22), 1994

Mr. BAUCUS (for himself, Mr. BURNS and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To ratify a compact between the Assiniboine and Sioux Indian Tribes of the Fort Peck Reservation and the State of Montana.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fort Peck Indian
5 Tribes-Montana Compact Act of 1994”.

6 **SEC. 2. RATIFICATION OF COMPACT.**

7 The Fort Peck Indian Tribes-Montana Compact is
8 approved, ratified and confirmed.

1 **SEC. 3. AGREEMENTS RELATED TO USE OF WATER RIGHTS.**

2 (a) TRIBAL AUTHORITY TO ENTER INTO AGREE-
3 MENTS.—Subject to the approval of the Secretary and to
4 all terms of the Fort Peck Indian Tribes-Montana Com-
5 pact, the Tribes may enter into a joint venture, service
6 contract, lease, exchange or other agreement (hereafter re-
7 ferred to in this Act as a “Water Agreement”), or a modi-
8 fication of such agreement, that authorizes—

9 (1) the delivery, use or transfer of any part of
10 the water rights confirmed in the Tribes by the Fort
11 Peck Indian Tribes-Montana Compact, for a speci-
12 fied term, not to exceed 50 years, inclusive of all re-
13 newal periods; or

14 (2) the diversion or use of any portion of a trib-
15 al water right within or outside the Reservation.

16 (b) APPROVAL BY SECRETARY.—The Secretary shall
17 approve or disapprove a Water Agreement, or a modifica-
18 tion of such agreement, within—

19 (1) 180 days after submission of the agreement
20 or modification to the Secretary; or

21 (2) 60 days after compliance, if required, with
22 section 102(2)(C) of the National Environmental
23 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and with
24 any other applicable provision of Federal law;

25 whichever is later.

1 (c) ENFORCEMENT.—A party to a Water Agreement
2 or modification may enforce the provisions of subsection
3 (b) in accordance with the provisions of section 1361 of
4 title 28, United States Code.

5 (d) CONFIDENTIALITY.—Notwithstanding any other
6 provision of law, the Department of the Interior shall
7 treat—

8 (1) any projection, study, data or other infor-
9 mation under the control of the Department of the
10 Interior relating to the terms and conditions of a
11 Water Agreement or modification of such an agree-
12 ment; or

13 (2) any information relating to a financial bene-
14 fit accruing to the Tribes as a result of a Water
15 Agreement or modification of such an agreement;
16 as the privileged, proprietary information of the Tribes.

17 **SEC. 4. DEFINITIONS.**

18 For purposes of this Act—

19 (1) The term “Fort Peck Indian Tribes-Mon-
20 tana Compact” means the compact relating to the
21 reserved water rights of the Assiniboine and Sioux
22 Tribes of the Fort Peck Reservation that was rati-
23 fied by the Tribes on April 29, 1985, and by the leg-
24 islature of the State of Montana on May 15, 1985.

1 (2) The term “Reservation” means the Fort
2 Peck Indian Reservation, as defined in the agree-
3 ment of December 28, 1886, and December 31,
4 1886, and as confirmed by the Act approved May 1,
5 1888 (25 Stat. 113).

6 (3) The term “Secretary” means the Secretary
7 of the Interior.

8 (4) The term “Tribes” means the Assiniboine
9 and Sioux Tribes of the Fort Peck Indian Reserva-
10 tion.

11 (5) The term “tribal water right” means the
12 tribal water right defined in, and subject to, the
13 Fort Peck-Montana Compact.

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