

108TH CONGRESS
2D SESSION

S. 2878

To amend the Hoopa-Yurok Settlement Act to provide for the acquisition of land for the Yurok Reservation and an increase in economic development beneficial to the Hoopa Valley Tribe and the Yurok Tribe, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2004

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Hoopa-Yurok Settlement Act to provide for the acquisition of land for the Yurok Reservation and an increase in economic development beneficial to the Hoopa Valley Tribe and the Yurok Tribe, and for other purposes.

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 “Hoopa-Yurok Settle-
5 ment Amendment Act of 2004”.

1 **SEC. 2. ACQUISITION OF LAND FOR THE YUROK RESERVA-**
2 **TION.**

3 Section 2(c) of the Hoopa-Yurok Settlement Act (25
4 U.S.C. 1300i-1(c)) is amended by adding at the end the
5 following:

6 “(5) LAND ACQUISITION.—

7 “(A) IN GENERAL.—Not later than 1 year
8 after the date of enactment of this paragraph,
9 the Secretary and the Secretary of Agriculture
10 shall—

11 “(i) in consultation with the Yurok
12 Tribe, identify Federal and private land
13 available from willing sellers within and
14 adjacent to or in close proximity to the
15 Yurok Reservation in the aboriginal terri-
16 tory of the Yurok Tribe (excluding any
17 land within the Hoopa Valley Reservation)
18 as land that may be considered for inclu-
19 sion in the Yurok Reservation;

20 “(ii) negotiate with the Yurok Tribe
21 to determine, from the land identified
22 under clause (i), a land base for an ex-
23 panded Yurok Reservation that will be ade-
24 quate for economic self-sufficiency and the
25 maintenance of religious and cultural prac-
26 tices;

1 “(iii) jointly with the Yurok Tribe,
2 provide for consultation with local govern-
3 ments, and other parties whose interests
4 are directly affected, concerning the poten-
5 tial sale or other transfer of land to the
6 Yurok Tribe under this Act;

7 “(iv) submit to Congress a report
8 identifying any parcels of land within their
9 respective jurisdictions that are determined
10 to be within the land base negotiated
11 under clause (ii); and

12 “(v) not less than 60 days after the
13 date of submission of the report under
14 clause (iv), convey to the Secretary in trust
15 for the Yurok Tribe the parcels of land
16 within their respective jurisdictions that
17 are within that land base.

18 “(B) ACCEPTANCE IN TRUST.—The Sec-
19 retary shall—

20 “(i) accept in trust for the Yurok
21 Tribe the conveyance of such private land
22 as the Yurok Tribe, or the United States
23 on behalf of the Yurok Tribe, may acquire
24 from willing sellers, by exchange or pur-
25 chase; and

1 “(ii) provide for the expansion of the
2 Yurok Reservation boundaries to reflect
3 the conveyances.

4 “(C) FUNDING.—Notwithstanding any
5 other provision of law, from funds made avail-
6 able to carry out this Act, the Secretary may
7 use \$2,500,000 to pay the costs of appraisals,
8 surveys, title reports, and other requirements
9 relating to the acquisition by the Yurok Tribe
10 of private land under this Act (excluding land
11 within the boundaries of the Hoopa Valley Res-
12 ervation).

13 “(D) REPORT.—

14 “(i) IN GENERAL.—Not later than 90
15 days after the date of submission of the re-
16 port under subparagraph (A)(iv), the Sec-
17 retary, in consultation with the Secretary
18 of Agriculture relative to the establishment
19 of an adequate land base for the Yurok
20 Tribe, shall submit to Congress a report
21 that describes—

22 “(I) the establishment of an ade-
23 quate land base for the Yurok Tribe
24 and implementation of subparagraph
25 (A);

1 “(II) the sources of funds re-
2 maining in the Settlement Fund, in-
3 cluding the statutory authority for
4 such deposits and the activities, in-
5 cluding environmental consequences,
6 if any, that gave rise to those depos-
7 its;

8 “(III) disbursements made from
9 the Settlement Fund;

10 “(IV) the provision of resources,
11 reservation land, trust land, and in-
12 come-producing assets including, to
13 the extent data are available (includ-
14 ing data available from the Hoopa
15 Valley Tribe and the Yurok Tribe),
16 the environmental condition of the
17 land and income-producing assets, in-
18 frastructure, and other valuable as-
19 sets; and

20 “(V) to the extent data are avail-
21 able (including data available from the
22 Hoopa Valley Tribe and the Yurok
23 Tribe), the unmet economic, infra-
24 structure, and land needs of each of

1 the Hoopa Valley Tribe and the Yurok
2 Tribe.

3 “(ii) LIMITATION.—No expenditures
4 for any purpose shall be made from the
5 Settlement Fund before the date on which,
6 after receiving the report under clause (i),
7 Congress enacts a law authorizing such ex-
8 penditures, except as the Hoopa Valley
9 Tribe and Yurok Tribes may agree pursu-
10 ant to their respective constitutional re-
11 quirements.

12 “(6) CLAIMS.—

13 “(A) IN GENERAL.—The Court of Federal
14 Claims shall hear and determine all claims of
15 the Yurok Tribe or a member of the Yurok
16 Tribe against the United States asserting that
17 the alienation, transfer, lease, use, or manage-
18 ment of land or natural resources located within
19 the Yurok Reservation violates the Constitution,
20 laws, treaties, Executive orders, regulations, or
21 express or implied contracts of the United
22 States.

23 “(B) CONDITIONS.—A claim under sub-
24 paragraph (A) shall be heard and determined—

1 “(i) notwithstanding any statute of
 2 limitations (subject to subparagraph (C))
 3 or any claim of laches; and

4 “(ii) without application of any setoff
 5 or other claim reduction based on a judg-
 6 ment or settlement under the Act of May
 7 18, 1928 (25 U.S.C. 651 et seq.) or other
 8 laws of the United States.

9 “(C) LIMITATION.—A claim under sub-
 10 paragraph (A) shall be brought not later than
 11 10 years after the date of enactment of this
 12 paragraph.”.

13 **SEC. 3. JURISDICTION.**

14 (a) LAW ENFORCEMENT AND TRIBAL COURT FUNDS
 15 AND PROGRAMS.—Section 2(f) of the Hoopla-Yurok Set-
 16 tlement Act (25 U.S.C. 1300i–1(f)) is amended—

17 (1) by striking “The Hoopa” and inserting the
 18 following:

19 “(1) IN GENERAL.—The Hoopa”;

20 (2) by striking the semicolon after “Code” the
 21 first place it appears and inserting a comma; and

22 (3) by adding at the end the following:

23 “(2) LAW ENFORCEMENT AND TRIBAL COURT
 24 FUNDS AND PROGRAMS.—

1 “(A) IN GENERAL.—Notwithstanding para-
2 graph (1), Federal law enforcement and tribal
3 court funds and programs shall be made avail-
4 able to the Hoopa Valley Tribe and Yurok
5 Tribe on the same basis as the funds and pro-
6 grams are available to Indian tribes that are
7 not subject to the provisions of law referred to
8 in paragraph (1).

9 “(B) AUTHORIZATION OF APPROPRIA-
10 TIONS.—There is authorized to be appropriated
11 for Yurok law enforcement and tribal court pro-
12 grams \$1,000,000 for each fiscal year.”.

13 (b) RECOGNITION OF THE YUROK TRIBE.—Section
14 9 of the Hoopa-Yurok Settlement Act (25 U.S.C. 1300i-
15 8) is amended by adding at the end the following:

16 “(f) RECOGNITION OF THE YUROK TRIBE.—The au-
17 thority of the Yurok Tribe over its territories as provided
18 in the constitution of the Yurok Tribe as of the date of
19 enactment of this subsection are ratified and confirmed
20 insofar as that authority relates to the jurisdiction of the
21 Yurok Tribe over persons and land within the boundaries
22 of the Yurok Reservation.”.

23 (c) YUROK RESERVATION RESOURCES.—Section 12
24 of the Hoopa Yurok Settlement Act (102 Stat. 2935) is
25 amended by adding at the end the following:

1 “(c) KLAMATH RIVER BASIN FISHERIES.—

2 “(1) IN GENERAL.—The Secretary and the Sec-
3 retary of Agriculture shall enter into stewardship
4 agreements with the Yurok Tribe with respect to
5 management of Klamath River Basin fisheries and
6 water resources.

7 “(2) EFFECT OF PARAGRAPH.—Nothing in
8 paragraph (1) provides the Yurok Tribe with any ju-
9 risdiction within the Hoopa Valley Reservation.

10 “(d) MANAGEMENT AUTHORITY.—

11 “(1) DEFINITION OF COMANAGEMENT AU-
12 THORITY.—In this subsection, the term ‘manage-
13 ment authority’ means the right to make decisions
14 jointly with the Secretary or the Secretary of Agri-
15 culture, as the case may be, with respect to the nat-
16 ural resources and sacred and cultural sites de-
17 scribed in paragraph (2).

18 “(2) GRANT OF MANAGEMENT AUTHORITY.—
19 There is granted to the Yurok Tribe management
20 authority over all natural resources, and over all sa-
21 cred and cultural sites of the Yurok Tribe within
22 their usual and accustomed places, that are on land
23 remaining under the jurisdiction of the National
24 Park Service, Forest Service, or Bureau of Land

1 Management within the aboriginal territory of the
2 Yurok Tribe.

3 “(e) SUBSISTENCE.—

4 “(1) IN GENERAL.—There is granted access for
5 subsistence hunting, fishing, and gathering rights
6 for members of the Yurok Tribe over all land and
7 water within the aboriginal territory of the Yurok
8 Tribe that remain under the jurisdiction of the
9 Yurok Tribe or the United States, excluding any
10 land within the Hoopa Valley Reservation.

11 “(2) CONDITION.—All subsistence-related ac-
12 tivities under paragraph (1) shall be conducted in
13 accordance with management plans developed by the
14 Yurok Tribe.”.

15 **SEC. 4. BASE FUNDING.**

16 From amounts made available to the Secretary for
17 new tribes funding, the Secretary shall make an adjust-
18 ment in the base funding for the Yurok Tribe based on
19 the enrollment of the Yurok Tribe as of the date of enact-
20 ment of this Act.

21 **SEC. 5. YUROK INFRASTRUCTURE DEVELOPMENT.**

22 (a) IN GENERAL.—There are authorized to be appro-
23 priated—

1 (1) \$20,000,000 for the upgrade and construc-
2 tion of Bureau of Indian Affairs and tribal roads on
3 the Yurok Reservation;

4 (2) for each fiscal year, \$500,000 for the oper-
5 ation of a road maintenance program for the Yurok
6 Tribe;

7 (3) \$3,500,000 for purchase of equipment and
8 supplies for the Yurok Tribe road maintenance pro-
9 gram;

10 (4) \$7,600,000 for the electrification of the
11 Yurok Reservation;

12 (5) \$2,500,000 for telecommunication needs on
13 the Yurok Reservation;

14 (6) \$18,000,000 for the improvement and de-
15 velopment of water and wastewater treatment sys-
16 tems on the Yurok Reservation;

17 (7) \$6,000,000 for the development and con-
18 struction of a residential care, drug and alcohol re-
19 habilitation, and recreational complex near
20 Weitchpec;

21 (8) \$7,000,000 for the construction of a cul-
22 tural center for the Yurok Tribe;

23 (9) \$4,000,000 for the construction of a tribal
24 court, law enforcement, and detention facility in
25 Klamath;

1 (10) \$10,000,000 for the acquisition or con-
2 struction of at least 50 homes for Yurok Tribe el-
3 ders;

4 (11) \$3,200,000 for the development and initial
5 startup cost for a Yurok School District; and

6 (12) \$800,000 to supplement Yurok Tribe high-
7 er education need.

8 (b) PRIORITY.—Congress—

9 (1) recognizes the unsafe and inadequate condi-
10 tion of roads and major transportation routes on
11 and to the Yurok Reservation; and

12 (2) identifies as a priority that those roads and
13 major transportation routes be upgraded and
14 brought up to the same standards as transportation
15 systems throughout the State of California.

16 **SEC. 6. YUROK ECONOMIC DEVELOPMENT.**

17 There are authorized to be appropriated—

18 (1) \$20,000,000 for the construction of an
19 ecolodge and associated costs;

20 (2) \$1,500,000 for the purchase of equipment
21 to establish a gravel operation; and

22 (3) \$6,000,000 for the purchase and improve-
23 ment of recreational and fishing resorts on the
24 Yurok Reservation.

1 **SEC. 7. BLM LAND.**

2 (a) CONVEYANCE TO THE YUROK TRIBE.—The fol-
 3 lowing parcels of Bureau of Land Management land with-
 4 in the aboriginal territory of the Yurok Tribe are conveyed
 5 in trust status to the Yurok Tribe:

6 (1) T. 9N., R. 4E, HUM, sec. 1.

7 (2) T. 9N., R. 4E, sec. 7.

8 (3) T. 9N., R. 4E., sec. 8, lot 3.

9 (4) T. 9N., R. 4E., sec. 9, lots 19 and 20.

10 (5) T. 9N., R. 4E., sec. 17, lots 3 through 6.

11 (6) T. 9N., R. 4E., sec. 18, lots 7 and 10.

12 (7) T. 9N., R. 3E., sec. 13, lots 8 and 12.

13 (8) T. 9N., R. 3E, sec. 14, lot 6.

14 (b) CONVEYANCE TO THE HOOPA VALLEY TRIBE.—
 15 The following parcels of Bureau of Land Management
 16 land along the western boundaries of the Hoopa Valley
 17 Reservation are conveyed in trust status to the Hoopa Val-
 18 ley Tribe:

19 (1) T. 9N, R. 3E., sec. 23, lots 7 and 8.

20 (2) T. 9N., R. 3E., sec. 26, lots 1 through 3.

21 (3) T. 7N., R. 3E., sec. 7, lots 1 and 6.

22 (4) T. 7N., R. 3E., sec. 1.

23 **SEC. 8. REPEAL OF OBSOLETE PROVISIONS.**

24 Section 2(c)(4) of the Hoopa-Yurok Settlement Act
 25 (25 U.S.C. 1300i–1(c)(4)) is amended by striking “The—
 26 ” and all that follows through “shall not be” and inserting

1 “The apportionment of funds to the Yurok Tribe under
2 sections 4 and 7 shall not be”.

3 **SEC. 9. VOTING MEMBER.**

4 Section 3(c) of the Klamath River Basin Fisheries
5 Restoration Act (16 U.S.C. 460ss–2(c)) is amended—

6 (1) by redesignating paragraphs (4) and (5) as
7 paragraphs (5) and (6); and

8 (2) by striking paragraph (3) and inserting the
9 following:

10 “(3) A representative of the Yurok Tribe who
11 shall be appointed by the Yurok Tribal Council.

12 “(4) A representative of the Department of the
13 Interior who shall be appointed by the Secretary.”.

14 **SEC. 10. ECONOMIC SELF-SUFFICIENCY.**

15 Section 10 of the Hoopa-Yurok Settlement Act (25
16 U.S.C. 1300i–9) is amended by striking subsection (a) and
17 inserting the following:

18 “(a) PLAN FOR ECONOMIC SELF-SUFFICIENCY.—

19 “(1) NEGOTIATIONS.—Not later than 30 days
20 after the date of enactment of the Hoopa-Yurok Set-
21 tlement Amendment Act of 2004, the Secretary shall
22 enter into negotiations with the Yurok Tribe to es-
23 tablish a plan for the economic self-sufficiency of the
24 Yurok Tribe, which shall be completed not later than

1 18 months after the date of enactment of the
2 Hoopa-Yurok Settlement Amendment Act of 2004.

3 “(2) SUBMISSION TO CONGRESS.—On the ap-
4 proval of the plan by the Yurok Tribe, the Secretary
5 shall submit the plan to Congress.

6 “(3) AUTHORIZATION OF APPROPRIATIONS.—
7 There is authorized to be appropriated \$3,000,000
8 to establish the Yurok Tribe Self-Sufficiency Plan.”.

9 **SEC. 11. EFFECT OF ACT.**

10 Nothing in this Act or any amendment made by this
11 Act limits the existing rights of the Hoopa Valley Tribe
12 or the Yurok Tribe Tribe.

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