

Calendar No. 522109TH CONGRESS
2^D SESSION**S. 2464****[Report No. 109-284]**

To revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2006

Mr. MCCAIN (for himself and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

JULY 19, 2006

Reported by Mr. MCCAIN, without amendment

A BILL

To revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fort McDowell Indian
3 Community Water Rights Settlement Revision Act of
4 2006”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) FORT MCDOWELL WATER RIGHTS SETTLE-
8 MENT ACT.—The term “Fort McDowell Water
9 Rights Settlement Act” means the Fort McDowell
10 Indian Community Water Rights Settlement Act of
11 1990 (Public Law 101–628; 104 Stat. 4480).

12 (2) NATION.—The term “Nation” means the
13 Fort McDowell Yavapai Nation, formerly known as
14 the “Fort McDowell Indian Community”.

15 (3) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 **SEC. 3. CANCELLATION OF REPAYMENT OBLIGATION.**

18 (a) CANCELLATION OF OBLIGATION.—The obligation
19 of the Nation to repay the loan made under section 408(e)
20 of the Fort McDowell Water Rights Settlement Act (104
21 Stat. 4489) is cancelled.

22 (b) EFFECT OF ACT.—

23 (1) RIGHTS OF NATION UNDER FORT
24 MCDOWELL WATER RIGHTS SETTLEMENT ACT.—

25 (A) IN GENERAL.—Except as provided in
26 subparagraph (B), nothing in this Act alters or

1 affects any right of the Nation under the Fort
2 McDowell Water Rights Settlement Act.

3 (B) EXCEPTION.—The cancellation of the
4 repayment obligation under subsection (a) shall
5 be considered—

6 (i) to fulfill all conditions required to
7 achieve a full and final settlement of all
8 claims to water rights or injuries to water
9 rights under the Fort McDowell Water
10 Rights Settlement Act; and

11 (ii) to relieve the Secretary of any re-
12 sponsibility or obligation to obtain mitiga-
13 tion property or develop additional farm
14 acreage under section 410 the Fort
15 McDowell Water Rights Settlement Act
16 (104 Stat. 4490).

17 (2) ELIGIBILITY FOR SERVICES AND BENE-
18 FITS.—Nothing in this Act alters or affects the eligi-
19 bility of the Nation or any member of the Nation for
20 any service or benefit provided by the Federal Gov-
21 ernment to federally recognized Indian tribes or
22 members of such Indian tribes.

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