Public Law 94–114
94th Congress

An Act

To declare that certain submarginal land of the United States shall be held in trust for certain Indian tribes and be made a part of the reservations of said Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) except as hereinafter provided, all of the right, title, and interest of the United States of America in all of the land, and the improvements now thereon, that was acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now administered by the Secretary of the Interior for the use or benefit of the Indian tribes identified in section 2(a) of this Act, together with all minerals underlying any such land whether acquired pursuant to such Acts or otherwise owned by the United States, are hereby declared to be held by the United States in trust for each of said tribes, and (except in the case of the Cherokee Nation) shall be a part of the reservations heretofore established for each of said tribes.

(b) The property conveyed by this Act shall be subject to the appropriation or disposition of any of the lands, or interests therein, within the Pine Ridge Indian Reservation, South Dakota, as authorized by the Act of August 8, 1968 (82 Stat. 663), and subject to a reservation in the United States of a right to prohibit or restrict improvements or structures on, and to continuously or intermittently inundate or otherwise use, lands in sections 25 and 26, township 48 north, range 3 west, at Odanah, Wisconsin, in connection with the Bad River flood control project as authorized by section 203 of the Act of July 3, 1958 (72 Stat. 297, 311): Provided, That this Act shall not convey the title to any part of the lands or any interest therein that prior to enactment of this Act have been included in the authorized water resources development projects in the Missouri River Basin as authorized by section 203 of the Act of July 3, 1958 (72 Stat. 297, 311), as amended and supplemented: Provided further, That such lands included in Missouri River Basin projects shall be treated as former trust lands are treated.
25 USC 459a. Sec. 2. (a) The lands, declared by section 1 of this Act to be held in
trust by the United States for the benefit of the Indian tribes named in
this section, are generally described as follows:

<table>
<thead>
<tr>
<th>Tribe</th>
<th>Reservation</th>
<th>Submarginal land project donated to said tribe or group</th>
<th>Approximate acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin</td>
<td>Bad River LI-WI-8</td>
<td></td>
<td>13,148.61</td>
</tr>
<tr>
<td>Blackfeet Tribe</td>
<td>Blackfeet LI-MT-9</td>
<td></td>
<td>9,080.73</td>
</tr>
<tr>
<td>Cherokee Nation of Oklahoma</td>
<td>Delaware LI-OK-4</td>
<td></td>
<td>18,749.19</td>
</tr>
<tr>
<td>Cheyenne River Sioux Tribe</td>
<td>Cheyenne LI-LD-ID-29</td>
<td></td>
<td>3,788.47</td>
</tr>
<tr>
<td>Crow Creek Sioux Tribe</td>
<td>Crow Creek LI-SD-10</td>
<td></td>
<td>10,169.69</td>
</tr>
<tr>
<td>Lower Brule Sioux Tribe</td>
<td>Lower Brule LI-SD-10</td>
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<td>13,379.22</td>
</tr>
<tr>
<td>Devils Lake Sioux Tribe</td>
<td>Fort Totten LI-ND-11</td>
<td></td>
<td>1,434.45</td>
</tr>
<tr>
<td>Fort Belknap Indian Community</td>
<td>Fort Belknap LI-MT-8</td>
<td></td>
<td>25,580.16</td>
</tr>
<tr>
<td>Assiniboine and Sioux Tribes</td>
<td>Fort Peck LI-MT-6</td>
<td></td>
<td>85,835.52</td>
</tr>
<tr>
<td>Lac Courte Oredilles Band of Lake Superior Chippewa Indians</td>
<td>Lac Courte LI-WI-9</td>
<td></td>
<td>18,184.65</td>
</tr>
<tr>
<td>Keweenaw Bay Indian Community</td>
<td>L'Anse LI-MI-8</td>
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<td>4,049.80</td>
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<tr>
<td>Minnesota Chippewa Tribe</td>
<td>Twin Lakes LI-MN-6</td>
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<td>28,944.80</td>
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<td>Navajo Tribe</td>
<td>Navajo LI-ND-12</td>
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<td>69,487.26</td>
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<td>Ogilah Sioux Tribe</td>
<td>Pine Ridge LI-SD-7</td>
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<td>13,903.49</td>
</tr>
<tr>
<td>Rosebud Sioux Tribe</td>
<td>Rosebud LI-SD-6</td>
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<td>28,784.90</td>
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<tr>
<td>Shoshone-Bannock Tribes</td>
<td>Fort Hall LI-ID-2</td>
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<td>8,741.6</td>
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<tr>
<td>Standing Rock Sioux Tribe</td>
<td>Standing Rock LI-ND-10</td>
<td></td>
<td>10,556.6</td>
</tr>
</tbody>
</table>

(b) The Secretary of the Interior shall cause to be published in the
Federal Register the boundaries and descriptions of the lands con-
vveyed by this Act. The acreages set out in the preceding subsection are
estimates and shall not be construed as expanding or limiting the
grant of the United States as defined in section 1 of this Act.

Sec. 3. (a) All of the right, title, and interest of the United States
in all the minerals including gas and oil underlying the submarginal
lands declared to be held in trust for the Stockbridge Munsee Indian
Community by the Act of October 9, 1972 (86 Stat. 795), are hereby
declared to be held by the United States in trust for the Stockbridge
Munsee Indian Community.

(b) Section 2 of said Act of October 9, 1972, is hereby repealed.
(c) Section 5 of the Act of October 13, 1972 (86 Stat. 806), relating
to the Burns Indian Colony is amended by striking the words "con-
vveyed by this Act" and inserting in lieu thereof the words "conveyed
by section 2 of this Act".

Sec. 4. (a) Nothing in this Act shall deprive any person of any
existing valid right of possession, contract right, interest, or title he
may have in the land involved, or of any existing right of access to
public domain lands over and across the land involved, as determined
by the Secretary of the Interior. All existing mineral leases, including
oil and gas leases, which may have been issued or approved pursuant
to section 5 of the Mineral Leasing Act for Acquired Lands of
August 7, 1947 (61 Stat. 913, 915), or the Mineral Leasing Act of 1920
(41 Stat. 437), as amended prior to enactment of this Act, shall remain
in force and effect in accordance with the provisions thereof. All
applications for mineral leases, including oil and gas leases, pursuant
to such Acts, pending on the date of enactment of this Act and cover-
ing any of the minerals conveyed by sections 1 and 3 of this Act
shall be rejected and the advance rental payments returned to the
applicants.
(b) Subject to the provisions of subsection (a) of this section, the property conveyed by this Act shall hereafter be administered in accordance with the laws and regulations applicable to property held in trust by the United States for Indian tribes, including but not limited to the Act of May 11, 1938 (52 Stat. 347), as amended.

Sec. 5. (a) Any and all gross receipts derived from, or which relate to, the property conveyed by this Act, the Act of July 20, 1956 (70 Stat. 551), the Act of August 2, 1956 (70 Stat. 941), the Act of October 9, 1972 (86 Stat. 705), and section 1 of the Act of October 13, 1972 (86 Stat. 806) which were received by the United States subsequent to its acquisition by the United States under the statutes cited in section 1 of this Act and prior to such conveyance, from whatever source and for whatever purpose, including but not limited to the receipts in the special fund of the Treasury as required by section 6 of the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913, 915), shall as of the date of enactment of this Act be deposited to the credit of the Indian tribe receiving such land and may be expended by the tribe for such beneficial programs as the tribal governing body may determine: Provided, That this section shall not apply to any such receipts received prior to enactment of this Act from the leasing of public domain minerals which were subject to the Mineral Leasing Act of 1920 (41 Stat. 437), as amended and supplemented.

(b) All gross receipts (including but not limited to bonuses, rents, and royalties) hereafter derived by the United States from any contract, permit or lease referred to in section 4(a) of this Act, otherwise, shall be administered in accordance with the laws and regulations applicable to receipts from property held in trust by the United States for Indian tribes.

Sec. 6. All property conveyed to tribes pursuant to this Act and all the receipts therefrom referred to in section 5 of this Act, shall be exempt from Federal, State, and local taxation so long as such property is held in trust by the United States. Any distribution of such receipts to tribal members shall neither be considered as income or resources of such members for purposes of any such taxation nor as income, resources, or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such member or his household would otherwise be entitled to under the Social Security Act or any other Federal or federally assisted program.

Approved October 17, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–480 accompanying H.R. 5778 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–377 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 19, considered and passed Senate.
Oct. 6, considered and passed House, amended, in lieu of H.R. 5778.
Oct. 7, Senate concurred in House amendment.