

5-31-1994

# San Carlos Apache Tribe Water Rights Settlement Act of 1992, Amendment of 1994

United States 103rd Congress

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## Preferred Citation

PL 103-263, 108 Stat. 575

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Public Law 103-263  
103d Congress

An Act

To make certain technical corrections.

May 31, 1994  
[S. 1654]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. NORTHERN CHEYENNE INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT OF 1992.**

(a) **ENVIRONMENTAL COSTS.**—Section 7 of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374, 106 Stat. 1186 et seq.) is amended by adding the following new subsections (f) and (g) and redesignating the succeeding subsections accordingly:

106 Stat. 1189.

“(f) **ENVIRONMENTAL COSTS.**—All costs associated with the Tongue River Dam Project for environmental compliance mandated by Federal law and fish and wildlife mitigation measures adopted by the Secretary are the sole responsibility of the United States. Funds for such compliance shall be appropriated pursuant to the authorization in subsection (e), and shall be in addition to funds appropriated pursuant to section 7(b)(1) of the Act. The Secretary is authorized to expend not to exceed \$625,000 of funds appropriated pursuant to subsection (e) for fish and wildlife mitigation costs associated with Tongue River Dam construction authorized by the Act, and shall be in addition to funds appropriated pursuant to section 7(b)(1) of the Act.

“(g) **REIMBURSEMENT TO STATE.**—The Secretary shall reimburse Montana for expenditures for environmental compliance activities, conducted on behalf of the United States prior to enactment of this subsection (g), which the Secretary determines to have been properly conducted and necessary for completion of the Tongue River Dam Project. Subsequent to enactment of this subsection (g), the Secretary may not reimburse Montana for any such environmental compliance activities undertaken without the Secretary’s prior approval.”

Montana.

(b) **AUTHORIZATIONS.**—The first sentence of section 4(c) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 (Public Law 102-374; 106 Stat. 1186 et seq.) is amended to read as follows: “Except for authorizations contained in subsections 7(b)(1)(A), 7(b)(1)(B), and the authorization for environmental compliance activities for the Tongue River Dam Project contained in subsection 7(e), the authorization of appropriations contained in this Act shall not be effective until such time as the Montana water court enters and approves a decree as provided in subsection (d) of this section.”

106 Stat. 1187.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall be considered to have taken effect on September 30, 1992.

**SEC. 2. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.**

106 Stat. 4743. (a) **AMENDMENT.**—Section 3704(d) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (Public Law 102-575) is amended by deleting “reimbursable” and inserting in lieu thereof “nonreimbursable”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be considered to have taken effect on October 30, 1992.

**SEC. 3. TRIBALLY CONTROLLED COMMUNITY COLLEGES.**

107 Stat. 1392. The part of the text contained under the heading “BUREAU OF INDIAN AFFAIRS”, and the subheading “OPERATION OF INDIAN PROGRAMS”, in title I of the Department of the Interior and Related Agencies Appropriations Act, 1994, which reads “*Provided further, That any funds provided under this head or previously provided for tribally-controlled community colleges which are distributed prior to September 30, 1994 which have been or are being invested or administered in compliance with section 331 of the Higher Education Act shall be deemed to be in compliance for current and future purposes with title III of the Tribally Controlled Community Colleges Assistance Act.*” is amended by deleting “section 331 of the Higher Education Act” and inserting in lieu thereof “section 332(c)(2)(A) of the Higher Education Act of 1965”.

**SEC. 4. WHITE EARTH RESERVATION LAND SETTLEMENT ACT OF 1985.**

Section 7 of the White Earth Reservation Land Settlement Act of 1985 (25 U.S.C. 331, note) is amended by adding at the end thereof the following:

“(f)(1) The Secretary is authorized to make a one-time deletion from the second list published under subsection (c) or any subsequent list published under subsection (e) of any allotments or interests which the Secretary has determined do not fall within the provisions of subsection (a) or (b) of section 4, or subsection (c) of section 5, or which the Secretary has determined were erroneously included in such list by reason of misdescription or typographical error.

Federal Register, publication.

“(2) The Secretary shall publish in the Federal Register notice of deletions made from the second list published under subsection (c) or any subsequent list published under subsection (e).

Courts. Minnesota.

“(3) The determination made by the Secretary to delete an allotment or interest under paragraph (1) may be judicially reviewed in accordance with chapter 7 of title 5, United States Code, within 90 days after the date on which notice of such determination is published in the Federal Register under paragraph (2). Any legal action challenging such a determination that is not filed within such 90-day period shall be forever barred. Exclusive jurisdiction over any legal action challenging such a determination is vested in the United States District Court for the District of Minnesota.”.

**SEC. 5. AMENDMENTS.**

25 USC 713f note. (a) Section 1(c) of the Act entitled “An Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes”, approved September 9, 1988 (102 Stat. 1594), is amended as follows:

- (1) delete "9,811.32" and insert in lieu thereof "9,879.65";  
 and  
 (2) delete everything after "5 8 17 All 640.00" and insert in lieu thereof the following:

"6	8	1	SW¼SW¼, W½SE¼SW¼	53.78
"6	8	1	S½E½, SE¼SW¼	9.00
"6	7	8	Tax lot 800	5.55
Total .....				9,879.65".

(b) Section 16 of the Act of June 18, 1934 (25 U.S.C. 476) is amended by adding at the end of the following new subsections:

"(f) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; PROHIBITION ON NEW REGULATIONS.—Departments or agencies of the United States shall not promulgate any regulation or make any decision or determination pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq., 48 Stat. 984) as amended, or any other Act of Congress, with respect to a federally recognized Indian tribe that classifies, enhances, or diminishes the privileges and immunities available to the Indian tribe relative to other federally recognized tribes by virtue of their status as Indian tribes.

"(g) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; EXISTING REGULATIONS.—Any regulation or administrative decision or determination of a department or agency of the United States that is in existence or effect on the date of enactment of this Act and that classifies, enhances, or diminishes the privileges and immunities available to a federally recognized Indian tribe relative to the privileges and immunities available to other federally recognized tribes by virtue of their status as Indian tribes shall have no force or effect."

Approved May 31, 1994.

LEGISLATIVE HISTORY—S. 1654:

HOUSE REPORTS: No. 103-479, Pt. 1 (Comm. on Natural Resources).

SENATE REPORTS: No. 103-191 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 139 (1994): Nov. 24, considered and passed Senate.

Vol. 140 (1994): Apr. 19, considered and passed House, amended.

May 19, Senate concurred in House amendment with amendments.

May 23, House concurred in Senate amendments.