

available to the Indian Nation for which the account was established for expenditure for purposes which may include construction or repair of health care facilities, law enforcement, cultural or other educational activities, economic development, social services, and land acquisition. Land acquisition using such funds shall be subject to the provisions of subsections (b) and (d).²

(3) Disbursement of funds

The Secretary shall disburse the funds from a trust account established under this section pursuant to a budget adopted by the Council or Legislature of the Indian Nation setting forth the amount and an intended use of such funds.

(4) Additional restriction on use of funds

None of the funds made available under this subchapter may be allocated or otherwise assigned to authorized purposes of the Arkansas River Multipurpose Project as authorized by the River and Harbor Act of 1946,¹ as amended by the Flood Control Act of 1948 and the Flood Control Act of 1950.

(Pub. L. 107-331, title VI, §606, Dec. 13, 2002, 116 Stat. 2851.)

REFERENCES IN TEXT

Section 1779c(c) and (d) of this title, referred to in subsec. (b)(1)(A), was in the original “sections 205(c) and (d)” and was translated as reading “section 605(c) and (d)”, meaning section 605(c) and (d) of Pub. L. 107-331, to reflect the probable intent of Congress.

The River and Harbor Act of 1946, as amended by the Flood Control Act of 1948 and the Flood Control Act of 1950, referred to in subsec. (b)(4), probably means the act July 24, 1946, ch. 596, 60 Stat. 641, known as the Flood Control Act of 1946, as amended by act June 30, 1948, ch. 771, title II, 62 Stat. 1175, and act May 17, 1950, ch. 188, title II, 64 Stat. 170. For complete classification of these acts to the Code, see Tables.

§ 1779e. Attorney fees

(a) Payment

At the time the funds are paid to the Indian Nations, from funds authorized to be appropriated pursuant to section 1779c(c) of this title, the Secretary shall pay to the Indian Nations’ attorneys those fees provided for in the individual tribal attorney fee contracts as approved by the respective Indian Nations.

(b) Limitations

Notwithstanding subsection (a) of this section, the total fees payable to attorneys under such contracts with an Indian Nation shall not exceed 10 percent of that Indian Nation’s allocation of funds appropriated under section 1779c(c) of this title.

(Pub. L. 107-331, title VI, §607, Dec. 13, 2002, 116 Stat. 2852.)

§ 1779f. Release of other tribal claims and filing of claims

(a) Extinguishment of other tribal claims

(1) In general

As of December 13, 2002—

² So in original. This section does not contain a subsection (d).

(A) all right, title, and interest of any Indian nation or tribe other than any Indian Nation defined in section 1779b of this title (referred to in this section and section 1779g of this title as a “claimant tribe”) in or to the Disclaimed Drybed Lands, and any such right, title, or interest held by the United States on behalf of such a claimant tribe, shall be considered to be extinguished in accordance with section 177 of title 25;

(B) if any party other than a claimant tribe holds transferred interests in or to the Disclaimed Drybed Lands in violation of section 177 of title 25, Congress approves and ratifies those transfers of interests to the extent that the transfers are in accordance with other applicable law; and

(C) the documents described in section 1779c(b)(1)(D) of this title shall serve to identify the geographic scope of the interests extinguished by subparagraph (A).

(2) Quiet title actions

(A) In general

Notwithstanding any other provision of law, after December 13, 2002, neither the United States (or any department or agency of the United States) nor any Indian Nation shall be included as a party to any civil action brought by any private person or private entity to quiet title to, or determine ownership of an interest in or to, the Disclaimed Drybed Lands.

(B) Future actions

As of December 13, 2002, the United States shall have no obligation to bring any civil action to quiet title to, or to recover any land or funds relating to, the Drybed Lands (including any lands that are Wetbed Lands as of December 13, 2002, but that are located at any time after that date above the mean high water mark of the Arkansas River).

(C) No breach of trust

The failure or declination by the United States to initiate any civil action to quiet title to or manage any Drybed Lands under this paragraph shall not—

- (i) constitute a breach of trust by the United States; or
- (ii) be compensable to a claimant tribe in any manner.

(b) Claims of other Indian tribes

(1) Limited period for filing claims

(A) In general

Not later than 180 days after December 13, 2002, any claimant tribe that claims that any title, interest, or entitlement held by the claimant tribe has been extinguished by operation of section 1779c(a) of this title or subsection (a) of this section may file a claim against the United States relating to the extinguishment in the United States Court of Federal Claims.

(B) Failure to file

After the date described in subparagraph (A), a claimant tribe described in that subparagraph shall be barred from filing any claim described in that subparagraph.

(2) Special holding account**(A) Establishment**

There is established in the Treasury, in addition to the accounts established by section 1779d(a) of this title, an interest-bearing special holding account for the benefit of the Indian Nations.

(B) Deposits

Notwithstanding any other provision of this subchapter or any other law, of any funds that would otherwise be deposited in a tribal trust account established by section 1779d(a) of this title, 10 percent shall—

- (i) be deposited in the special holding account established by subparagraph (A); and
- (ii) be held in that account for distribution under paragraph (3).

(3) Distribution of funds**(A) In general**

Funds deposited in the special holding account established by paragraph (2)(A) shall be distributed in accordance with subparagraphs (B) through (D).

(B) Claim filed

If a claim under paragraph (1)(A) is filed by the deadline specified in that paragraph, on final adjudication of that claim—

- (i) if the final judgment awards to a claimant an amount that does not exceed the amount of funds in the special holding account under paragraph (2) attributable to the Indian Nation from the allocation of which under section 1779c(d) of this title the funds in the special holding account are derived—
 - (I) that amount shall be distributed from the special holding account to the claimant tribe that filed the claim; and
 - (II) any remaining amount in the special holding account attributable to the claim shall be transferred to the appropriate tribal trust account for the Indian Nation established by section 1779d(a) of this title; and
- (ii) if the final judgment awards to a claimant an amount that exceeds the amount of funds in the special holding account attributable to the Indian Nation from the allocation of which under section 1779c(d) of this title the funds in the special holding account are derived—

(I) the balance of funds in the special holding account attributable to the Indian Nation shall be distributed to the claimant tribe that filed the claim; and

(II) payment of the remainder of the judgment amount awarded to the claimant tribe shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31.

(C) No claims filed

If no claims under paragraph (1)(A) are filed by the deadline specified in that paragraph—

- (i) any funds held in the special holding account under paragraph (2) and attributed to that Indian Nation shall be deposited in

the appropriate tribal trust account established by section 1779d(a)¹ of this title; and

(ii) after the date that is 180 days after December 13, 2002, paragraph (2)(B) shall not apply to appropriations attributed to that Indian Nation.

(c) Declaration with respect to scope of rights, title, and interests

Congress declares that—

(1) subsection (b) of this section is intended only to establish a process by which alleged claims may be resolved; and

(2) nothing in this section acknowledges, enhances, or establishes any prior right, title, or interest of any claimant tribe in or to the Arkansas Riverbed.

(Pub. L. 107-331, title VI, § 608, Dec. 13, 2002, 116 Stat. 2852.)

REFERENCES IN TEXT

Section 1779d(a) of this title, referred to in subsec. (b)(3)(C)(i), was in the original “section 6(a)” and was translated as reading “section 606(a)”, meaning section 606(a) of Pub. L. 107-331, to reflect the probable intent of Congress, because Pub. L. 107-331 does not contain a section 6, and section 1779d(a) establishes three tribal trust fund accounts.

§ 1779g. Effect on claims

This subchapter shall not be construed to resolve any right, title, or interest of any Indian nation or of any claimant tribe, except their past, present, or future claims relating to right, title, or interest in or to the Riverbed and the obligations and liabilities of the United States thereto.

(Pub. L. 107-331, title VI, § 609, Dec. 13, 2002, 116 Stat. 2855.)

SUBCHAPTER XIV—PUEBLO DE SAN ILDEFONSO CLAIMS SETTLEMENT

§ 1780. Definitions and purposes**(a) Definitions**

In this subchapter:

(1) Administrative access

The term “administrative access” means the unrestricted use of land and interests in land for ingress and egress by an agency of the United States (including a permittee, contractor, agent, or assignee of the United States) in order to carry out an activity authorized by law or regulation, or otherwise in furtherance of the management of federally-owned land and resources.

(2) County

The term “County” means the incorporated county of Los Alamos, New Mexico.

(3) Los Alamos Agreement

The term “Los Alamos Agreement” means the agreement among the County, the Pueblo, the Department of Agriculture Forest Service, and the Bureau of Indian Affairs dated January 22, 2004.

(4) Los Alamos Townsite Land

“Los Alamos Townsite Land” means the land identified as Attachment B (dated December 12, 2003) to the Los Alamos Agreement.

¹ See References in Text note below.