

(2) any other person certified by the Keweenaw Bay Indian Community Tribal Council as—

(A) a member of the Keweenaw Bay Indian Community, and

(B) eligible to vote in any election for the Tribal Council.

(Pub. L. 100-420, §9, Sept. 8, 1988, 102 Stat. 1579; Pub. L. 101-301, §7, May 24, 1990, 104 Stat. 210.)

#### AMENDMENTS

1990—Pub. L. 101-301 designated existing provisions as subsec. (a) and added subsec. (b).

#### § 1300h-8. Compliance with Budget Act

Notwithstanding any other provision of this subchapter, any spending authority provided under this subchapter shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts. For purposes of this subchapter, the term “spending authority” has the meaning provided in section 651(c)(2)<sup>1</sup> of title 2.

(Pub. L. 100-420, §10, Sept. 8, 1988, 102 Stat. 1579.)

#### REFERENCES IN TEXT

Section 651 of title 2, referred to in text, was amended by Pub. L. 105-33, title X, §10116(a)(3), (5), Aug. 5, 1997, 111 Stat. 691, by striking out subsec. (c) and redesignating former subsec. (d) as (c).

#### SUBCHAPTER LXXX—HOOPA-YUOK SETTLEMENT

#### § 1300i. Short title and definitions

##### (a) Short title

This subchapter may be cited as the “Hoopa-Yurok Settlement Act”.

##### (b) Definitions

For the purposes of this subchapter, the term—

(1) “Escrow funds” means the moneys derived from the joint reservation which are held in trust by the Secretary in the accounts entitled—

(A) “Proceeds of Labor-Hoopa Valley Indians-California 70 percent Fund, account number J52-561-7197”;

(B) “Proceeds of Labor-Hoopa Valley Indians-California 30 percent Fund, account number J52-561-7236”;

(C) “Proceeds of Klamath River Reservation, California, account number J52-562-7056”;

(D) “Proceeds of Labor-Yurok Indians of Lower Klamath River, California, account number J52-562-7153”;

(E) “Proceeds of Labor-Yurok Indians of Upper Klamath River, California, account number J52-562-7154”;

(F) “Proceeds of Labor-Hoopa Reservation for Hoopa Valley and Yurok Tribes, account number J52-575-7256”;

(G) “Klamath River Fisheries, account number 5628000001”;

(2) “Hoopa Indian blood” means that degree of ancestry derived from an Indian of the

Hunstang, Hupa, Miskut, Redwood, Saiaz, Sermalton, Tish-Tang-Atan, South Fork, or Grouse Creek Bands of Indians;

(3) “Hoopa Valley Reservation” means the reservation described in section 1300i-1(b) of this title;

(4) “Hoopa Valley Tribe” means the Hoopa Valley Tribe, organized under the constitution and amendments approved by the Secretary on November 20, 1933, September 4, 1952, August 9, 1963, and August 18, 1972;

(5) “Indian of the Reservation” shall mean any person who meets the criteria to qualify as an Indian of the Reservation as established by the United States Court of Claims in its March 31, 1982, May 17, 1987, and March 1, 1988, decisions in the case of *Jesse Short et al. v. United States*, (Cl. Ct. No. 102-63);

(6) “Joint reservation” means the area of land defined as the Hoopa Valley Reservation in section 1300i-1(b) of this title and the Yurok Reservation in section 1300i-1(c) of this title.<sup>1</sup>

(7) “Karuk Tribe” means the Karuk Tribe of California, organized under its constitution on April 6, 1985;

(8) “Secretary” means the Secretary of the Interior;

(9) “Settlement Fund” means the Hoopa-Yurok Settlement Fund established pursuant to section 1300i-3 of this title;

(10) “Settlement Roll” means the final roll prepared and published in the Federal Register by the Secretary pursuant to section 1300i-4 of this title;

(11) “Short cases” means the cases entitled *Jesse Short et al. v. United States*, (Cl. Ct. No. 102-63); *Charlene Ackley v. United States*, (Cl. Ct. No. 460-78); *Bret Aanstadt v. United States*, (Cl. Ct. No. 146-85L); and *Norman Giffen v. United States*, (Cl. Ct. No. 746-85L);

(12) “Short plaintiffs” means named plaintiffs in the Short cases;

(13) “trust land” means an interest in land the title to which is held in trust by the United States for an Indian or Indian tribe, or by an Indian or Indian tribe subject to a restriction by the United States against alienation;

(14) “unallotted trust land, property, resources or rights” means those lands, property, resources, or rights reserved for Indian purposes which have not been allotted to individuals under an allotment Act;

(15) “Yurok Reservation” means the reservation described in section 1300i-1(c) of this title; and

(16) “Yurok Tribe” means the Indian tribe which is recognized and authorized to be organized pursuant to section 1300i-8 of this title.

(Pub. L. 100-580, §1, Oct. 31, 1988, 102 Stat. 2924.)

#### REFERENCES IN TEXT

This subchapter, referred to in subsections (a) and (b), was in the original “this Act”, meaning Pub. L. 100-580, Oct. 31, 1988, 102 Stat. 2924, which enacted this subchapter, amended section 407 of this title and section 460ss-3 of Title 16, Conservation, and enacted provisions set out as a note under section 460ss-3 of Title 16. For complete classification of this Act to the Code, see Tables.

<sup>1</sup> See References in Text note below.

<sup>1</sup> So in original. The period probably should be a semicolon.

**§ 1300i-1. Reservations; partition and additions****(a) Partition of the joint reservation**

(1) Effective with the publication in the Federal Register of the Hoopa tribal resolution as provided in paragraph (2), the joint reservation shall be partitioned as provided in subsections (b) and (c) of this section.

(2)(A) The partition of the joint reservation as provided in this subsection, and the ratification and confirmation as provided by section 1300i-7 of this title, shall not become effective unless, within 60 days after October 31, 1988, the Hoopa Valley Tribe shall adopt, and transmit to the Secretary, a tribal resolution:

(i) waiving any claim such tribe may have against the United States arising out of the provisions of this subchapter, and

(ii) affirming tribal consent to the contribution of Hoopa Escrow monies to the Settlement Fund, and for their use as payments to the Yurok Tribe, and to individual Yuroks, as provided in this subchapter.

(B) The Secretary, after determining the validity of the resolution transmitted pursuant to subparagraph (A), shall cause such resolution to be printed in the Federal Register.

**(b) Hoopa Valley Reservation**

Effective with the partition of the joint reservation as provided in subsection (a) of this section, the area of land known as the "square" (defined as the Hoopa Valley Reservation established under section 2 of the Act of April 8, 1864 (13 Stat. 40), the Executive Order of June 23, 1876, and Executive Order 1480 of February 17, 1912) shall thereafter be recognized and established as the Hoopa Valley Reservation. The unallotted trust land and assets of the Hoopa Valley Reservation shall thereafter be held in trust by the United States for the benefit of the Hoopa Valley Tribe.

**(c) Yurok Reservation**

(1) Effective with the partition of the joint reservation as provided in subsection (a) of this section, the area of land known as the "extension" (defined as the reservation extension under the Executive Order of October 16, 1891, but excluding the Resighini Rancheria) shall thereafter be recognized and established as the Yurok Reservation. The unallotted trust land and assets of the Yurok Reservation shall thereafter be held in trust by the United States for the benefit of the Yurok Tribe.

(2) Subject to all valid existing rights and subject to the adoption of a resolution of the Interim Council of the Yurok Tribe as provided in section 1300i-8(d)(2) of this title, all right, title, and interest of the United States—

(A) to all national forest system lands within the Yurok Reservation, and

(B) to that portion of the Yurok Experimental Forest described as Township 14 N., Range 1 E., Section 28, Lot 6: that portion of Lot 6 east of U.S. Highway 101 and west of the Yurok Experimental Forest, comprising 14 acres more or less and including all permanent structures thereon, shall thereafter be held in trust by the United States for the benefit of the Yurok Tribe and shall be part of the Yurok Reservation.

(3)(A) Pursuant to the authority of sections 465 and 467 of this title, the Secretary may acquire from willing sellers lands or interests in land, including rights-of-way for access to trust lands, for the Yurok Tribe or its members, and such lands may be declared to be part of the Yurok Reservation.

(B) From amounts authorized to be appropriated by section 13 of this title, the Secretary shall use not less than \$5,000,000 for the purpose of acquiring lands or interests in lands pursuant to subparagraph (A). No lands or interests in lands may be acquired outside the Yurok Reservation with such funds except lands adjacent to and contiguous with the Yurok Reservation or for purposes of exchange for lands within the reservation.

(4) The—

(A) apportionment of funds to the Yurok Tribe as provided in sections 1300i-3 and 1300i-6 of this title;

(B) the land transfers pursuant to paragraph (2);

(C) the land acquisition authorities in paragraph (3); and

(D) the organizational authorities of section 1300i-8 of this title shall not be effective unless and until the Interim Council of the Yurok Tribe has adopted a resolution waiving any claim such tribe may have against the United States arising out of the provisions of this subchapter.

**(d) Boundary clarifications or corrections**

(1) The boundary between the Hoopa Valley Reservation and the Yurok Reservation, after the partition of the joint reservation as provided in this section, shall be the line established by the Bissel-Smith survey.

(2) Upon the partition of the joint reservation as provided in this section, the Secretary shall publish a description of the boundaries of the Hoopa Valley Reservation and Yurok Reservation in the Federal Register.

**(e) Management of the Yurok Reservation**

The Secretary shall be responsible for the management of the unallotted trust land and assets of the Yurok Reservation until such time as the Yurok Tribe has been organized pursuant to section 1300i-8 of this title. Thereafter, those lands and assets shall be administered as tribal trust land and the Yurok reservation governed by the Yurok Tribe as other reservations are governed by the tribes of those reservations.

**(f) Criminal and civil jurisdiction**

The Hoopa Valley Reservation and Yurok Reservation shall be subject to section 1360 of title 28;<sup>1</sup> section 1162 of title 18, and section 1323(a) of this title.

(Pub. L. 100-580, §2, Oct. 31, 1988, 102 Stat. 2925.)

## REFERENCES IN TEXT

Section 2 of the Act of April 8, 1864, referred to in subsec. (b), is section 2 of act Apr. 8, 1864, ch. 48, 13 Stat. 40, which was not classified to the Code.

Executive Order of June 23, 1876, and Executive Order 1480 of February 17, 1912, referred to in subsec. (b), are not classified to the Code.

<sup>1</sup> So in original. The semicolon probably should be a comma.