

sion, other Indian tribes, and private parties. The Pueblo's lawsuit asserting this claim, *Pueblo of Santo Domingo v. Rael* (Civil No. 83-1888 (D.N.M.)), is still pending.

(4) The Pueblo of Santo Domingo's claims against the United States in docket No. 355 under the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act) have been pending since 1951. These claims include allegations of the Federal misappropriation and mismanagement of the Pueblo's aboriginal and Spanish grant lands.

(5) Litigation to resolve the land and trespass claims of the Pueblo of Santo Domingo would take many years, and the outcome of such litigation is unclear. The pendency of these claims has clouded private land titles and has created difficulties in the management of public lands within the claim area.

(6) The United States and the Pueblo of Santo Domingo have negotiated a settlement to resolve all existing land claims, including the claims described in paragraphs (2) through (4).

(b) Purpose

It is the purpose of this subchapter—

(1) to remove the cloud on titles to land in the State of New Mexico resulting from the claims of the Pueblo of Santo Domingo, and to settle all of the Pueblo's claims against the United States and third parties, and the land, boundary, and trespass claims of the Pueblo in a fair, equitable, and final manner;

(2) to provide for the restoration of certain lands to the Pueblo of Santo Domingo and to confirm the Pueblo's boundaries;

(3) to clarify governmental jurisdiction over the lands within the Pueblo's land claim area; and

(4) to ratify a Settlement Agreement between the United States and the Pueblo which includes—

(A) the Pueblo's agreement to relinquish and compromise its land and trespass claims;

(B) the provision of \$8,000,000 to compensate the Pueblo for the claims it has pursued pursuant to the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act);

(C) the transfer of approximately 4,577 acres of public land to the Pueblo;

(D) the sale of approximately 7,355 acres of national forest lands to the Pueblo; and

(E) the authorization of the appropriation of \$15,000,000 over 3 consecutive years which would be deposited in a Santo Domingo Lands Claims Settlement Fund for expenditure by the Pueblo for land acquisition and other enumerated tribal purposes.

(c) Rule of construction

Nothing in this subchapter shall be construed to effectuate an extinguishment of, or to otherwise impair, the Pueblo's title to or interest in lands or water rights as described in section 1777c(a)(2) of this title.

(Pub. L. 106-425, § 2, Nov. 1, 2000, 114 Stat. 1890.)

REFERENCES IN TEXT

The Pueblo Lands Act of 1924, referred to in subsec. (a)(2), is act June 7, 1924, ch. 331, 43 Stat. 636, as amend-

ed, which is set out as a note under section 331 of this title.

Act of August 13, 1946, referred to in subsecs. (a)(4) and (b)(4)(B), is act Aug. 13, 1946, ch. 959, 60 Stat. 1049, as amended, known as the Indian Claims Commission Act of 1946, which was classified generally to chapter 2A (§70 et seq.) of this title and was omitted from the Code in view of the termination of the Indian Claims Commission on Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

SHORT TITLE

Pub. L. 106-425, § 1, Nov. 1, 2000, 114 Stat. 1890, provided that: "This Act [enacting this subchapter] may be cited as the 'Santo Domingo Pueblo Claims Settlement Act of 2000'."

§ 1777a. Definitions

In this subchapter:

(1) Federally administered lands

The term "federally administered lands" means lands, waters, or interests therein, administered by Federal agencies, except for the lands, waters, or interests therein that are owned by, or for the benefit of, Indian tribes or individual Indians.

(2) Fund

The term "Fund" means the Pueblo of Santo Domingo Land Claims Settlement Fund established under section 1777c(b)(1) of this title.

(3) Pueblo

The term "Pueblo" means the Pueblo of Santo Domingo.

(4) Santo Domingo Pueblo Grant

The term "Santo Domingo Pueblo Grant" means all of the lands within the 1907 Hall-Joy Survey, as confirmed by the Pueblo Lands Board in 1927.

(5) Secretary

The term "Secretary" means the Secretary of the Interior unless expressly stated otherwise.

(6) Settlement Agreement

The term "Settlement Agreement" means the Settlement Agreement dated May 26, 2000, between the Departments of the Interior, Agriculture, and Justice and the Pueblo of Santo Domingo to Resolve All of the Pueblo's Land Title and Trespass Claims.

(Pub. L. 106-425, § 3, Nov. 1, 2000, 114 Stat. 1891.)

§ 1777b. Ratification of Settlement Agreement

The Settlement Agreement is hereby approved and ratified.

(Pub. L. 106-425, § 4, Nov. 1, 2000, 114 Stat. 1892.)

§ 1777c. Resolution of disputes and claims

(a) Relinquishment, extinguishment, and compromise of Santo Domingo claims

(1) Extinguishment

(A) In general

Subject to paragraph (2), in consideration of the benefits provided under this subchapter, and in accordance with the Settlement Agreement pursuant to which the Pueblo has agreed to relinquish and com-

promise certain claims, the Pueblo's land and trespass claims described in subparagraph (B) are hereby extinguished, effective as of the date specified in paragraph (5).

(B) Claims

The claims described in this subparagraph are the following:

(i) With respect to the Pueblo's claims against the United States, its agencies, officers, and instrumentalities, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary, trespass, and mismanagement claims, including any claim related to—

(I) any federally administered lands, including National Forest System lands designated in the Settlement Agreement for possible sale or exchange to the Pueblo;

(II) any lands owned or held for the benefit of any Indian tribe other than the Pueblo; and

(III) all claims which were, or could have been brought against the United States in docket No. 355, pending in the United States Court of Federal Claims.

(ii) With respect to the Pueblo's claims against persons, the State of New Mexico and its subdivisions, and Indian tribes other than the Pueblo, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary and trespass claims.

(iii) All claims listed on pages 13894–13895 of volume 48 of the Federal Register, published on March 31, 1983, except for claims numbered 002 and 004.

(2) Rule of construction

Nothing in this subchapter (including paragraph (1)) shall be construed—

(A) to in any way effectuate an extinguishment of or otherwise impair—

(i) the Pueblo's title to lands acquired by or for the benefit of the Pueblo since December 28, 1927, or in a tract of land of approximately 150.14 acres known as the "sliver area" and described on a plat which is appendix H to the Settlement Agreement;

(ii) the Pueblo's title to land within the Santo Domingo Pueblo Grant which the Pueblo Lands Board found not to have been extinguished; or

(iii) the Pueblo's water rights appurtenant to the lands described in clauses (i) and (ii); and

(B) to expand, reduce, or otherwise impair any rights which the Pueblo or its members may have under existing Federal statutes concerning religious and cultural access to and uses of the public lands.

(3) Confirmation of determination

The Pueblo Lands Board's determination on page 1 of its Report of December 28, 1927, that

Santo Domingo Pueblo title, derived from the Santo Domingo Pueblo Grant to the lands overlapped by the La Majada, Sitio de Juana Lopez and Mesita de Juana Lopez Grants has been extinguished is hereby confirmed as of the date of that Report.

(4) Transfers prior to November 1, 2000

(A) In general

In accordance with the Settlement Agreement, any transfer of land or natural resources, prior to November 1, 2000, located anywhere within the United States from, by, or on behalf of the Pueblo, or any of the Pueblo's members, shall be deemed to have been made in accordance with the Act of June 30, 1834 (4 Stat. 729; commonly referred to as the Trade and Intercourse Act), section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act), and any other provision of Federal law that specifically applies to transfers of land or natural resources from, by, or on behalf of an Indian tribe, and such transfers shall be deemed to be ratified effective as of the date of the transfer.

(B) Rule of construction

Nothing in subparagraph (A) shall be construed to affect or eliminate the personal claim of any individual Indian which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(5) Effective date

The provisions of paragraphs (1), (3), and (4) shall take effect upon the entry of a compromise final judgment, in a form and manner acceptable to the Attorney General, in the amount of \$8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355). The judgment so entered shall be paid from funds appropriated pursuant to section 1304 of title 31.

(b) Trust funds; authorization of appropriations

(1) Establishment

There is hereby established in the Treasury a trust fund to be known as the "Pueblo of Santo Domingo Land Claims Settlement Fund". Funds deposited in the Fund shall be subject to the following conditions:

(A) The Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(B) Subject to the provisions of paragraph (3), monies deposited into the Fund may be expended by the Pueblo to acquire lands within the exterior boundaries of the exclusive aboriginal occupancy area of the Pueblo, as described in the Findings of Fact of the Indian Claims Commission, dated May 9, 1973, and for use for education, economic development, youth and elderly programs, or for other tribal purposes in accordance with plans and budgets developed and approved by the Tribal Council of the Pueblo and approved by the Secretary.

(C) If the Pueblo withdraws monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any over-

sight over or liability for the accounting, disbursement, or investment of such withdrawn monies.

(D) No portion of the monies described in subparagraph (C) may be paid to Pueblo members on a per capita basis.

(E) The acquisition of lands with monies from the Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring lands for the benefit of the Pueblo pursuant to this subchapter.

(F) The provisions of Public Law 93-134 [25 U.S.C. 1401 et seq.], governing the distribution of Indian claims judgment funds, and the plan approval requirements of section 4023 of this title shall not be applicable to the Fund.

(2) Authorization of appropriations

There are authorized to be appropriated \$15,000,000 for deposit into the Fund, in accordance with the following schedule:

(A) \$5,000,000 to be deposited in the fiscal year which commences on October 1, 2001.

(B) \$5,000,000 to be deposited in the next fiscal year.

(C) The balance of the funds to be deposited in the third consecutive fiscal year.

(3) Limitation on disbursement

Amounts authorized to be appropriated to the Fund under paragraph (2) shall not be disbursed until the following conditions are met:

(A) The case of Pueblo of Santo Domingo v. Rael (No. CIV-83-1888) in the United States District Court for the District of New Mexico, has been dismissed with prejudice.

(B) A compromise final judgment in the amount of \$8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in a form and manner acceptable to the Attorney General, has been entered in the United States Court of Federal Claims in accordance with subsection (a)(5) of this section.

(4) Deposits

Funds awarded to the Pueblo consistent with subsection (c)(2) of this section in docket No. 355 of the Indian Claims Commission shall be deposited into the Fund.

(c) Activities upon compromise

On the date of the entry of the final compromise judgment in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in the United States Court of Federal Claims, and the dismissal with prejudice of the case of Pueblo of Santo Domingo v. Rael (No. CIV-83-1888) in the United States District Court for the District of New Mexico, whichever occurs later—

(1) the public lands administered by the Bureau of Land Management and described in section 6 of the Settlement Agreement, and consisting of approximately 4,577.10 acres of land, shall thereafter be held by the United States in trust for the benefit of the Pueblo, subject to valid existing rights and rights of public and private access, as provided for in the Settlement Agreement;

(2) the Secretary of Agriculture is authorized to sell and convey National Forest System lands and the Pueblo shall have the exclusive right to acquire these lands as provided for in section 7 of the Settlement Agreement, and the funds received by the Secretary of Agriculture for such sales shall be deposited in the fund established under section 484a of title 16 and shall be available to purchase non-Federal lands within or adjacent to the National Forests in the State of New Mexico;

(3) lands conveyed by the Secretary of Agriculture pursuant to this section shall no longer be considered part of the National Forest System and upon any conveyance of National Forest lands, the boundaries of the Santa Fe National Forest shall be deemed modified to exclude such lands;

(4) until the National Forest lands are conveyed to the Pueblo pursuant to this section, or until the Pueblo's right to purchase such lands expires pursuant to section 7 of the Settlement Agreement, such lands are withdrawn, subject to valid existing rights, from any new public use or entry under any Federal land law, except for permits not to exceed 1 year, and shall not be identified for any disposition by or for any agency, and no mineral production or harvest of forest products shall be permitted, except that nothing in this subsection shall preclude forest management practices on such lands, including the harvest of timber in the event of fire, disease, or insect infestation; and

(5) once the Pueblo has acquired title to the former National Forest System lands, these lands may be conveyed by the Pueblo to the Secretary of the Interior who shall accept and hold such lands in the name of the United States in trust for the benefit of the Pueblo.

(Pub. L. 106-425, §5, Nov. 1, 2000, 114 Stat. 1892.)

REFERENCES IN TEXT

Act of June 30, 1834, referred to in subsec. (a)(4)(A), is act June 30, 1834, ch. 161, 4 Stat. 729, as amended. That act was incorporated into the Revised Statutes as R.S. §§ 533, 2111 to 2113, 2116 to 2118, 2124 to 2126, 2129 to 2135, 2137, 2141, 2145, 2147, 2150 to 2152, and 2154 to 2157. For complete classification of those sections of the Revised Statutes to the Code, see Tables.

Act of June 7, 1924, referred to in subsec. (a)(4)(A), is act June 7, 1924, ch. 331, 43 Stat. 636, as amended, known as the Pueblo Lands Act of 1924, which is set out as a note under section 331 of this title.

Act of June 24, 1938, referred to in subsec. (b)(1)(A), is act June 24, 1938, ch. 648, 52 Stat. 1037, as amended, which enacted section 162a of this title, repealed section 162 of this title, and enacted provisions set out as a note under section 162a of this title. For complete classification of this Act to the Code, see Tables.

Public Law 93-134, referred to in subsec. (b)(1)(F), is Pub. L. 93-134, Oct. 19, 1973, 87 Stat. 466, as amended, known as the Indian Tribal Judgment Funds Use or Distribution Act, which is classified generally to chapter 16 (§1401 et seq.) of this title. For complete classification of this Act to the Code, see section 1401(c) of this title and Tables.

§ 1777d. Affirmation of accurate boundaries of Santo Domingo Pueblo Grant

(a) In general

The boundaries of the Santo Domingo Pueblo Grant, as determined by the 1907 Hall-Joy Sur-