

ment, and in recognition of the agreement of the Pueblo to the Settlement Agreement, all claims of the Pueblo against the United States (including any claim against an agency, officer, or instrumentality of the United States) are relinquished and extinguished, including—

- (1) any claim to land based on aboriginal title, Indian title, or recognized title;
- (2) any claim for damages or other judicial relief or for administrative remedies that were brought, or that were knowable and could have been brought, on or before the date of the Settlement Agreement;
- (3) any claim relating to—
 - (A) any federally-administered land, including National Park System land, National Forest System land, Public land administered by the Bureau of Land Management, the Settlement Area Land, the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land; and
 - (B) any land owned by, or held for the benefit of, any Indian tribe other than the Pueblo; and
- (4) any claim that was, or that could have been, asserted in the Pending Litigation.

(b) Exceptions

Nothing in this subchapter or the Settlement Agreement shall in any way extinguish or otherwise impair—

- (1) the title of record of the Pueblo to land held by or for the benefit of the Pueblo, as identified in Appendix D to the Settlement Agreement, on or before September 27, 2006; and,
- (2) the title of the Pueblo to the Pueblo de San Ildefonso Grant, including, as identified in Appendix D to the Settlement Agreement—
 - (A) the title found by the United States District Court for the District of New Mexico in the case styled *United States v. Apodoca* (Number 2031, equity: December 5, 1930) not to have been extinguished; and
 - (B) title to any land that has been reacquired by the Pueblo pursuant to the Act entitled “An Act to quiet the title to lands within Pueblo Indian land grants, and for other purposes”, approved June 7, 1924 (43 Stat. 636, chapter 331);
- (3) the water rights of the Pueblo appurtenant to the land described in paragraphs (1) and (2); and
- (4) any rights of the Pueblo or a member of the Pueblo under Federal law relating to religious or cultural access to, and use of, Federal land.

(c) Previous extinguishments unimpaired

Nothing in this subchapter affects any prior extinguishments of rights or claims of the Pueblo which may have occurred by operation of law.

(d) Boundaries and title unaffected

(1) Boundaries

Nothing in this subchapter affects the location of the boundaries of the Pueblo de San Ildefonso Grant.

(2) Rights, title, and interest

Nothing in this subchapter affects, ratifies, or confirms the right, title, or interest of the

Pueblo in the land held by, or for the benefit of, the Pueblo, including the land described in Appendix D of the Settlement Agreement.

(Pub. L. 109–286, § 5, Sept. 27, 2006, 120 Stat. 1220.)

REFERENCES IN TEXT

An Act to quiet the title to lands within Pueblo Indian land grants, and for other purposes, referred to in subsec. (b)(2)(B), is act June 7, 1924, ch. 331, 43 Stat. 636, known as the Pueblo Lands Act of 1924, which is set out as a note under section 331 of this title.

§ 1780d. Settlement Fund

(a) Establishment

There is established in the Treasury a fund to be known as the “Pueblo de San Ildefonso Land Claims Settlement Fund”.

(b) Conditions

Monies deposited in the Settlement Fund shall be subject to the following conditions:

(1) Maintenance and investment

The Settlement 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).

(2) Use of funds

Subject to paragraph (3), monies deposited into the Settlement Fund shall be expended by the Pueblo—

- (A) to acquire the federally administered Settlement Area Land;
- (B) to pay for the acquisition of the Water System Land, as provided in the Los Alamos Agreement; and
- (C) at the option of the Pueblo, to acquire other land.

(3) Effect of withdrawal

If the Pueblo withdraws monies from the Settlement Fund, neither the Secretary of the Interior nor the Secretary of the Treasury shall retain any oversight over, or liability for, the accounting, disbursement, or investment of the withdrawn funds.

(4) Per capita distribution

No portion of the funds in the Settlement Fund may be paid to Pueblo members on a per capita basis.

(5) Acquisition of land

The acquisition of land with funds from the Settlement Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring land for the benefit of the Pueblo under this subchapter.

(6) Effect of other laws

The Act of October 19, 1973 (Public Law 93–134; 87 Stat. 466) and section 4023 of this title shall not apply to the Settlement Fund. (Pub. L. 109–286, § 6, Sept. 27, 2006, 120 Stat. 1221.)

REFERENCES IN TEXT

Act of June 24, 1938, referred to in subsec (b)(1), is act June 24, 1938, ch. 648, 52 Stat. 1037, 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.

Act of October 19, 1973, referred to in subsec. (b)(6), is Pub. L. 93-134, Oct. 19, 1973, 87 Stat. 466, 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.

§ 1780e. Land ownership adjustments

(a) Authorization

(1) In general

The Secretary of Agriculture may sell the Settlement Area Land, Water System Land, and Los Alamos Townsite Land, on such terms and conditions as are agreed upon and described in the Settlement Agreement and the Los Alamos Agreement, including reservations for administrative access and other access as shown on Appendix B of the Settlement Agreement.

(2) Effect of claims and cause of action

Consideration for any land authorized for sale by the Secretary of Agriculture shall not be offset or reduced by any claim or cause of action by any party to whom the land is conveyed.

(b) Consideration

The consideration to be paid for the Federal land authorized for sale in subsection (a) shall be—

(1) for the Settlement Area Land and Water System Land, the consideration agreed upon in the Settlement Agreement; and

(2) for the Los Alamos Townsite Land, the current market value based on an appraisal approved by the Forest Service as being in conformity with the latest edition of the Uniform Appraisal Standards for Federal Land Acquisitions.

(c) Disposition of receipts

(1) In general

All monies received by the Secretary of Agriculture from the sale of National Forest System land as authorized by this subchapter, including receipts from the Northern Tier Land, shall be deposited into the fund established in the Treasury of the United States pursuant to the Sisk Act and shall be available, without further appropriation, authorization, or administrative apportionment for the purchase of land by the Secretary of Agriculture for National Forest System purposes in the State of New Mexico, and for associated administrative costs.

(2) Use of funds

Funds deposited in a Sisk Act fund pursuant to this subchapter shall not be subject to transfer or reprogramming for wildlands fire management or any other emergency purposes, or used to reimburse any other account.

(3) Acquisitions of land

In expending funds to exercise its rights under the Settlement Agreement and the Los Alamos Agreement with respect to the acquisition of the Settlement Area Land, the County's acquisitions of the Water System Land, and the Northern Tier Land (if the Pueblo exercises an option to purchase the Northern

Tier Land as provided in section 1780j(b)(2)(A) of this title,¹ the Pueblo shall use only funds in the Settlement Fund and shall not augment those funds from any other source.

(d) Valid existing rights and reservations

(1) In general

The Settlement Area Land acquired by the Pueblo shall be subject to all valid existing rights on September 27, 2006, including rights of administrative access.

(2) Water rights

No water rights shall be conveyed by the United States.

(3) Special use authorization

(A) In general

Nothing in this subchapter shall affect the validity of any special use authorization issued by the Forest Service within the Settlement Area Land, except that such authorizations shall not be renewed upon expiration.

(B) Reasonable access

For access to valid occupancies within the Settlement Area Land, the Pueblo and the Secretary of the Interior shall afford rights of reasonable access commensurate with that provided by the Secretary of Agriculture on or before September 27, 2006.

(4) Water System Land and Los Alamos Townsite Land

The Water System Land and Los Alamos Townsite Land acquired by the County shall be subject to—

(A) all valid existing rights; and

(B) the rights reserved by the United States under the Los Alamos Agreement.

(5) Private landowners

(A) In general

Upon acquisition by the Pueblo of the Settlement Area Land, the Secretary of the Interior, acting on behalf of the Pueblo and the United States, shall execute easements in accordance with any right reserved by the United States for the benefit of private landowners owning property that requires the use of Forest Development Road 416 (as in existence on September 27, 2006) and other roads that may be necessary to provide legal access into the property of the landowners, as the property is used on September 27, 2006.

(B) Maintenance of roads

Neither the Pueblo nor the United States shall be required to maintain roads for the benefit of private landowners.

(C) Easements

Easements shall be granted, without consideration, to private landowners only upon application of such landowners to the Secretary.

(e) Forest development roads

(1) United States right to use

Subject to any right-of-way to use, cross, and recross a road, the United States shall re-

¹ So in original. Probably should be "title".