

for the sole use and benefit of the Crow Tribe and shall be recognized as part of the Crow Indian Reservation.

(2) Requirement for exchanges

(A) In carrying out the exchanges with the State of Montana pursuant to paragraph (1), the Secretary shall, during a period of at least 5 years beginning on the date on which the Settlement Agreement becomes effective, give first priority to the exchange of public lands within the State of Montana for State trust lands owned by the State of Montana as of November 2, 1994.

(B) Subject to subparagraph (C), if, for any reason, after the expiration of the period specified in subparagraph (A), the exchanges of the State trust lands identified in paragraph (1) have not provided the Crow Tribe with a total of 46,625 acres of surface lands within the boundaries of the existing Crow Indian Reservation (including parcel number 1), the Secretary shall, at the request of, and in cooperation with, the Crow Tribe, develop and implement a program to provide the Crow Tribe with additional land within the Crow Indian Reservation (including parcel number 1) through land exchanges with private landowners.

(C) The total value of—

(i) the value of the lands exchanged and acquired for the Crow Tribe pursuant to paragraph (1), and

(ii) the value of the lands exchanged and acquired for the Crow Tribe pursuant to this paragraph,

shall not exceed the value of the surface estate of the 46,625 acres of land identified in paragraph (1)(A).

(D) In carrying out a program developed pursuant to this paragraph, the Secretary may exchange public lands within the State of Montana for private lands of substantially equal value within the boundaries of the existing Crow Indian Reservation in accordance with section 1716 of title 43.

(E) In determining the fair market value of the lands described in subparagraph (D), the parties to an exchange made pursuant to subparagraph (D) shall give due consideration to the value of improvements on the lands.

(F) If the Secretary obtains private lands pursuant to subparagraph (D), the Secretary shall transfer title to such lands to the Crow Tribe.

(G) Title to any private or public lands transferred to the Crow Tribe pursuant to this paragraph shall—

(i) be vested in the United States in trust for the sole use and benefit of the Crow Tribe; and

(ii) be recognized as part of the Crow Indian Reservation, if such lands are located within the boundaries of the Crow Indian Reservation.

(H) The Crow Tribe shall assist in obtaining prospective willing parties to exchange private lands within the Crow Indian Reservation for public lands within the State of Montana pursuant to this paragraph.

(e) Crow Tribal Trust Fund

The Settlement Agreement shall include provisions governing the distribution of interest income to the Crow Tribe from the Crow Tribal Trust Fund pursuant to the terms and conditions described in section 1776d of this title.

(Pub. L. 103-444, §5, Nov. 2, 1994, 108 Stat. 4635; Pub. L. 104-109, §9(a), Feb. 12, 1996, 110 Stat. 765.)

REFERENCES IN TEXT

Act of February 22, 1889, referred to in subsec. (d)(1)(A), is act Feb. 22, 1889, ch. 180, 25 Stat. 676, popularly known as the Montana Enabling Act. For complete classification of this Act to the Code, see Tables.

Act June 4, 1920, referred to in subsec. (d)(1)(A), is act June 4, 1920, ch. 224, 41 Stat. 751, as amended, popularly known as the Crow Allotment Act. For further details, see Crow Indian Reservation note set out under section 331 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1996—Subsec. (b)(3). Pub. L. 104-109 made technical amendment to reference to “this subsection” to correct underlying provisions of original act.

§ 1776d. Establishment and administration of Crow Tribal Trust Fund

(a) Establishment

(1) In general

There is established in the Treasury of the United States a trust fund to be known as the “Crow Tribal Trust Fund”.

(2) Availability of amounts in the Crow Tribal Trust Fund

Amounts in the Crow Tribal Trust Fund shall be available, without fiscal year limitation, to the Secretary for distribution to the Crow Tribe in accordance with subsection (d) of this section.

(b) Contributions

(1) In general

Subject to paragraph (2) and the requirements of section 1776h of this title—

(A) on or before November 30, 1994, the Secretary of the Treasury shall deposit into the Crow Tribal Trust Fund an amount equal to the amounts of royalties received and retained by the United States during fiscal year 1994 from the East Decker, West Decker, and Spring Creek coal mines; and

(B) commencing with fiscal year 1995 and for such period thereafter as may be necessary, the Secretary and the Secretary of the Treasury shall make necessary and proper arrangements for the monthly payment, transfer, or deposit (or any combination thereof) into the Crow Tribal Trust Fund of the royalties received and retained by the United States for the immediately preceding month from the East Decker, West Decker, and Spring Creek coal mines in the State of Montana for the life of such mines, including any extensions of the existing leases for such mines and any expansions of such mines to nearby and adjacent federally owned coal deposits, as specified in the Settlement Agreement.

(2) Amount of royalties

The total amount of royalties described in paragraph (1) that are paid, transferred, or de-

posited into the Crow Tribal Trust Fund shall not exceed, in the aggregate, \$85,000,000, excluding—

(A) any interest earned on moneys in the Crow Tribal Trust Fund; and

(B) the funds transferred to the Suspension Accounts pursuant to section 1776h of this title.

(3) Payments of royalties received and retained by the United States

Subject to paragraph (2) and the requirements of section 1776h of this title, the royalties received and retained by the United States from the East Decker, West Decker, and Spring Creek coal mines shall be paid, transferred or deposited into the Crow Tribal Trust Fund not later than 30 days after the date on which the royalties are due and paid.

(4) Additional payments

The Federal Government shall make payments, in addition to the payments referred to in paragraph (3), from the royalties received and retained by the United States from other coal mines within the State of Montana into the Crow Tribal Trust Fund in an amount equal to any lost interest income (as determined by the Secretary), if any portion of the sums described in paragraph (3) are not paid, transferred or deposited into the Crow Tribal Trust Fund within the 30-day period prescribed in paragraph (3).

(c) Investment

At the request of the Secretary, the Secretary of the Treasury shall invest all sums deposited into, accruing to, and remaining in, the Crow Tribal Trust Fund in accordance with section 161a of this title.

(d) Distribution of interest

(1) In general

Only the interest received on funds in the Crow Tribal Trust Fund shall be available for distribution by the Secretary to the Crow Tribe for use for education, land acquisition, economic development, youth and elderly programs or other tribal purposes in accordance with plans and budgets developed and approved by the Crow Tribe and approved by the Secretary.

(2) Requirements for distribution of interest

Commencing with fiscal year 1996 and for each fiscal year thereafter, without fiscal year limitation, the interest received on monies in the Crow Tribal Trust Fund shall be available for distribution under this subsection only if—

(A) the United States and the Crow Tribe enter into the Settlement Agreement; and

(B) the requirements of section 1776g of this title relating to the approval and execution of the Settlement Agreement are satisfied.

(3) Prohibition

No portion of the Crow Tribal Trust Fund or the interest earned on the Crow Tribal Trust Fund may be distributed to members of the Crow Tribe on a per capita basis.

(e) Use of interest for economic development

Notwithstanding any other provision of law, the Crow Tribe may, subject to approval by the

Secretary, assign the right of the Crow Tribe to the interest earned on monies in the Crow Tribal Trust Fund to a third party in connection with loans made for economic development projects on or near the Crow Indian Reservation.

(f) Limitation

Notwithstanding any other provision of law, no portion of the principal of the Crow Tribal Trust Fund shall be available for withdrawal or disbursement or used for any purpose other than the purposes specified in this section and section 1776h of this title.

(Pub. L. 103-444, §6, Nov. 2, 1994, 108 Stat. 4638; amended Pub. L. 103-435, §23, Nov. 2, 1994, 108 Stat. 4575.)

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-435 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "At the request of the Secretary, the Secretary of the Treasury shall invest all sums deposited into, accruing to, and remaining in, the Crow Tribal Trust Fund in accordance with sections 161a to 161d of this title."

§ 1776e. Eligibility for other Federal services

No payments made or benefits conferred pursuant to this subchapter shall result in the reduction or denial of any Federal services or programs to any tribe or to any member of a tribe to which the tribe or member of the tribe is entitled or eligible because of the status of the tribe as a federally recognized Indian tribe or the status of a member of such tribe as a member.

(Pub. L. 103-444, §7, Nov. 2, 1994, 108 Stat. 4640.)

§ 1776f. Exchanges of land or minerals

(a) In general

(1) Subject to approval by the Secretary, the Crow Tribe may exchange any land or minerals to which its title is recognized in or obtained pursuant to this subchapter for other land or minerals of substantially equivalent value within the Crow Indian Reservation (including parcel number 1).

(2) Lands or minerals received by the Crow Tribe in any exchange made pursuant to paragraph (1) shall be—

(A) vested in the United States in trust for the sole use and benefit of the Crow Tribe; and

(B) recognized as part of the Crow Indian Reservation.

(b) Ownership by non-Indians

Any land or minerals received by a person who is not an Indian in an exchange referred to in subsection (a) of this section shall be owned in fee.

(Pub. L. 103-444, §8, Nov. 2, 1994, 108 Stat. 4640.)

§ 1776g. Applicability

(a) In general

This subchapter shall take effect upon the occurrence of the following conditions:

(1) The Settlement Agreement is approved and executed by the Secretary.

(2) The Settlement Agreement is approved and executed by the Crow Tribe.