

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1216

**[Report No. 103-371]**

To resolve the 107th meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe and the United States and various other issues pertaining to the Crow Indian Reservation.

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## IN THE SENATE OF THE UNITED STATES

JULY 13 (legislative day, JUNE 30), 1993

Mr. BAUCUS (for himself and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

JULY 14 (legislative day, JUNE 30), 1993

Ordered that, if and when reported by the Committee on Indian Affairs, that the bill then be referred to the Committee on Energy and Natural Resources

SEPTEMBER 21 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. INOUE, with an amendment and an amendment to the title  
[Strike out all after the enacting clause and insert the part printed in *italic*]

SEPTEMBER 21 (legislative day, SEPTEMBER 12), 1994

Referred to the Committee on Energy and Natural Resources pursuant to the order of July 14, 1993

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## A BILL

To resolve the 107th meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe and the United States and various other issues pertaining to the Crow Indian Reservation.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Crow Settlement Act”.

5 **SEC. 2. FINDINGS AND PURPOSE.**

6        (a) **PURPOSE.**—The purpose of this Act is to settle  
7 the dispute created by the Federal Government’s erro-  
8 neous survey of the eastern boundary of the Crow Indian  
9 Reservation and to resolve various other issues pertaining  
10 to the Crow Indian Reservation.

11        (b) **FINDINGS.**—

12            (1) Under the Fort Laramie Treaty of 1868,  
13 (15 Stat. 649), the eastern boundary of the Crow  
14 Indian Reservation was established as the 107th Me-  
15 ridian for approximately 90 miles from the Yellow-  
16 stone River to the boundary between Montana and  
17 Wyoming.

18            (2) Under 1884 and 1900 Executive orders, the  
19 western boundary of the Northern Cheyenne Res-  
20 ervation was established as the 107th Meridian. The  
21 107th Meridian is the common boundary between  
22 the Crow and Northern Cheyenne Reservations for  
23 approximately 25 miles.

24            (3) From 1889 through 1891, a survey was  
25 conducted of the eastern boundary of the Crow Res-

1       ervation. Instead of following the true 107th Merid-  
2       ian, the 1891 survey line strayed to the west. As a  
3       result of the erroneous survey, approximately 36,164  
4       acres were excluded from the Crow Indian Reserva-  
5       tion of which approximately 12,964 acres were in-  
6       cluded in the Northern Cheyenne Indian Reserva-  
7       tion. Vast deposits of low sulphur coal underlie the  
8       land excluded from the Crow Indian Reservation in-  
9       cluding the land included in the Northern Cheyenne  
10      Indian Reservation.

11           (4) The erroneous nature of the survey was not  
12      discovered for several decades. Meanwhile, the areas  
13      along the 107th Meridian to the north and south of  
14      the Northern Cheyenne Indian Reservation were  
15      opened to settlement in the late 1800's and early  
16      1900's. Patents were issued to non-Indians and to  
17      the State of Montana for most of the surface land  
18      and a significant portion of the minerals in these  
19      areas between the 107th Meridian and the erroneous  
20      1891 survey line. The 12,964 acres erroneously in-  
21      cluded in the Northern Cheyenne Reservation have  
22      been treated as part of the Northern Cheyenne Res-  
23      ervation and occupied by the Northern Cheyenne  
24      Tribe, Northern Cheyenne allottees and their succes-  
25      sors in interest.

1           (5) Following the discovery of the erroneous  
2 1891 survey line in the 1950's, bills to resolve the  
3 107th Meridian boundary dispute were introduced in  
4 Congress in the 1960's and 1970's, but no bill was  
5 enacted into law.

6           (6) In 1966, the United States completed con-  
7 struction of Yellowtail Dam on the Crow Indian Res-  
8 ervation as part of the Pick-Sloan Missouri Basin  
9 Program. The Pick-Sloan Missouri Basin Program  
10 also included the Hardin Bench Irrigation Unit and  
11 other irrigation projects on the Crow Indian Res-  
12 ervation which have not yet been constructed.

13           (7) The operation of the Yellowtail Afterbay  
14 Dam by the Bureau of Reclamation has resulted in  
15 a significant water quality problem on the Big Horn  
16 River within the Crow Indian Reservation. Construc-  
17 tion of a power plant and related facilities at the  
18 existing Yellowtail Afterbay Dam will solve that  
19 problem.

20 **SEC. 3. DEFINITIONS.**

21 For purposes of this Act:

22           (1) The term "Crow Tribe" means the Crow  
23 Tribe of Indians, the duly recognized governing body  
24 of the Crow Indian Reservation.

1           (2) The term “disputed area” means the land,  
2           approximately 36,165 acres, including the minerals,  
3           located between the 107th Meridian and the 1891  
4           survey line.

5           (3) The term “1891 survey line” means the er-  
6           roneous boundary line resulting from the survey of  
7           the 107th Meridian which was completed in 1891.

8           (4) The term “Northern Cheyenne Tribe”  
9           means the Northern Cheyenne Tribe of Indians, the  
10          duly recognized governing body of the Northern  
11          Cheyenne Indian Reservation.

12          (5) The term “107th Meridian boundary dis-  
13          pute” means the dispute resulting from the disparity  
14          between the locations of the 107th Meridian and the  
15          1891 survey line.

16          (6) The term “parcel No. 1” means the land,  
17          approximately 11,317 acres, including all minerals,  
18          within the area bounded on the south by the Mon-  
19          tana/Wyoming border, on the east by the 107th Me-  
20          ridian, on the north by the extension to the west of  
21          the southern boundary of the Northern Cheyenne  
22          Indian Reservation and on the west by the 1891 sur-  
23          vey line.

24          (7) The term “parcel No. 2” means the land,  
25          approximately 12,964 acres, including all minerals,

1 within the area bounded on the south by the exten-  
2 sion to the west of the southern boundary of the  
3 Northern Cheyenne Indian Reservation, on the east  
4 by the 107th Meridian, on the north by the exten-  
5 sion to the west of the northern boundary of the  
6 Northern Cheyenne Indian Reservation and on the  
7 west by the 1891 survey line.

8 (8) The term "parcel No. 3" means the land,  
9 approximately 2,469 acres, including all minerals,  
10 within the area bounded on the south by the exten-  
11 sion to the west of the northern boundary of the  
12 Northern Cheyenne Indian Reservation, on the east  
13 by the 107th Meridian, on the north by the northern  
14 boundary of the Crow Indian Reservation and on the  
15 west by the 1891 survey line.

16 (9) The term "parcel No. 4" means the land,  
17 approximately 9,415 acres, including all minerals,  
18 within the area bounded on the south by the north-  
19 ern boundary of the Crow Indian Reservation, on  
20 the east by the 107th Meridian, on the north by the  
21 midpoint of the Yellowstone River and on the west  
22 by the 1891 survey line.

23 (10) The word "Secretary" means the Sec-  
24 retary of the Interior.

1           (11) The term “undisposed of coal” means coal  
2           which has not been conveyed to private parties or to  
3           the State of Montana by the United States.

4           (12) The term “undisposed of land” means sur-  
5           face land which has not been conveyed to private  
6           parties or to the State of Montana by the United  
7           States.

8           (13) The term “undisposed of oil, gas, coal  
9           methane or other minerals” means oil, gas, coal  
10          methane or other minerals except coal, which have  
11          not been conveyed to private parties or to the State  
12          of Montana by the United States.

13 **SEC. 4. AUTHORITY TO SETTLE.**

14          (a) **CONTRACT WITH CROW TRIBE.**—Subject to the  
15          terms and conditions of this Act, the Secretary shall enter  
16          into a contract with the Crow Tribe providing for the set-  
17          tlement of the 107th Meridian boundary dispute and other  
18          issues pertaining to the Crow Indian Reservation.

19          (b) **CONTRACT WITH NORTHERN CHEYENNE**  
20          **TRIBE.**—Subject to the terms and conditions of this Act,  
21          the Secretary shall enter into a contract with the Northern  
22          Cheyenne Tribe to resolve the issues with respect to the  
23          property within parcel No. 2.

24          (c) **ENFORCEMENT OF CONTRACTS.**—The contracts  
25          authorized in subsections (a) and (b) shall be enforceable

1 pursuant to subchapter II of chapter 5 of title 5, United  
2 States Code, or, where the remedies available under that  
3 Act do not provide adequate or complete relief, pursuant  
4 to section 1505 of title 28, United States Code.

5 **SEC. 5. TERMS AND CONDITIONS OF SETTLEMENT CON-**  
6 **TRACTS.**

7 (a) CROW/NORTHERN CHEYENNE SETTLEMENT.—  
8 The contracts with the Crow and Northern Cheyenne  
9 Tribes referred to in section 4 shall include the following  
10 terms and conditions with respect to the property within  
11 parcel No. 2:

12 (1) The surface boundary between the Crow  
13 and Northern Cheyenne Indian Reservations shall be  
14 the 1891 survey line and the ownership of the sur-  
15 face lands within parcel No. 2 shall be recognized as  
16 being vested in the United States in trust for the  
17 sole use and benefit of the Northern Cheyenne  
18 Tribe, Northern Cheyenne allottees or their succes-  
19 sors in interest or other persons whose claims,  
20 rights, or interests are based on the 1891 survey  
21 line.

22 (2) With respect to the coal and other minerals  
23 within parcel No. 2 except for oil, gas, and coal  
24 methane, the boundary between the Crow and  
25 Northern Cheyenne Indian Reservations shall be the

1       ~~1891~~ survey line and the ownership of such minerals  
2       shall be vested in the United States in trust for the  
3       sole use and benefit of the Northern Cheyenne  
4       Tribe.

5               (3) With respect to oil, gas, and coal methane  
6       within parcel No. 2, the boundary between the Crow  
7       and Northern Cheyenne Indian Reservations shall be  
8       the 107th Meridian and the ownership of such oil,  
9       gas and coal methane shall be vested in the United  
10       States in trust for the sole use and benefit of the  
11       Crow Tribe.

12               (4) The funds held in escrow by the Bureau of  
13       Indian Affairs derived from the lands and minerals  
14       within parcel No. 2, together with all of the interest  
15       earned on such funds, shall be divided equally be-  
16       tween the Crow and Northern Cheyenne Tribes and  
17       may be used by each tribe for such purposes as it  
18       may determine.

19               (5) A disclaimer and relinquishment by the  
20       Crow Tribe of all right, title, claim or interest in the  
21       land and minerals within parcel No. 2 described in  
22       paragraphs (1) and (2), and to one-half of the funds  
23       described in paragraph (4), and a disclaimer and re-  
24       linquishment by the Northern Cheyenne Tribe of all  
25       right, title, claim or interest in the minerals within

1 parcel No. 2 described in paragraph (3), and to one-  
2 half of the funds described in paragraph (4).

3 (6) A release by the Northern Cheyenne Tribe  
4 of all persons and entities, including the United  
5 States and the Crow Tribe, for any and all liability  
6 arising out of the erroneous survey of the 107th Me-  
7 ridian, and a release by the Crow Tribe of all per-  
8 sons and entities, including the United States and  
9 the Northern Cheyenne Tribe, for any and all liabil-  
10 ity arising from the erroneous survey of the 107th  
11 Meridian.

12 (b) PROPERTY WITHIN PARCEL NOS. 1, 3 AND 4.—  
13 The contract with the Crow Tribe referred to in section  
14 4 shall include the following terms and conditions with re-  
15 spect to the property within parcel Nos. 1, 3 and 4:

16 (1) Title to the undisposed of coal within parcel  
17 No. 1 shall be vested in the United States in trust  
18 for the sole use and benefit of the Crow Tribe and  
19 such coal shall be recognized as part of the Crow In-  
20 dian Reservation.

21 (2) Title to the undisposed of surface lands  
22 within parcel Nos. 1, 3 and 4 shall be vested in the  
23 United States in trust for the sole use and benefit  
24 of the Crow Tribe and such land shall be recognized  
25 as part of the Crow Indian Reservation. Notwith-

1 standing the preceding provisions of this paragraph,  
2 the State of Montana shall retain the same civil and  
3 criminal authority over such lands in Parcel No. 4  
4 that it currently has over lands restored to the Tribe  
5 under the Act of May 19, 1958, (72 Stat. 121).

6 (3) Title to the undisposed of oil, gas, coal  
7 methane or other minerals within parcel Nos. 1, 3  
8 and 4 shall be vested in the United States in trust  
9 for the sole use and benefit of the Crow Tribe and  
10 such minerals shall be recognized as part of the  
11 Crow Indian Reservation.

12 (4) A disclaimer and relinquishment by the  
13 Crow Tribe of all right, title, claim or interest in all  
14 the lands and minerals within parcel Nos. 1, 3 and  
15 4, except for the rights, titles and interests recog-  
16 nized as beneficially owned by the Crow Tribe in  
17 paragraphs (1), (2) and (3).

18 (5) A release by the Crow Tribe of all persons  
19 and entities, including the United States, for any  
20 and all liability arising from the erroneous survey of  
21 the 107th Meridian.

22 (c) EXCHANGE OF PUBLIC LANDS.—As part of the  
23 settlement of the 107th Meridian boundary dispute with  
24 the Crow Tribe, the contract with the Crow Tribe referred

1 to in section 4 shall include the following land exchange  
2 provisions:

3           (1) The Secretary shall negotiate with the State  
4 of Montana for the purpose of exchanging public  
5 lands within the State of Montana for up to approxi-  
6 mately 46,625 acres of State trust lands within the  
7 Crow Indian Reservation and the disputed area. The  
8 value of the public lands and State trust lands ex-  
9 changed pursuant to this provision shall be substan-  
10 tially equal. The value of improvements on such  
11 lands shall be given due consideration. Lands ex-  
12 changed shall be selected so that the financial im-  
13 pact on local governments, if any, will be minimized.  
14 The Secretary shall provide such financial and other  
15 assistance to the State of Montana as may be nec-  
16 essary to obtain the appraisals and other adminis-  
17 trative requirements necessary to accomplish this ex-  
18 change. Upon the approval by the Secretary and the  
19 State of Montana of an exchange pursuant to this  
20 paragraph, the Secretary is authorized to receive  
21 title to such State trust lands involved in the ex-  
22 change on behalf of the United States and to trans-  
23 fer title to the public lands involved in the exchange  
24 to the State of Montana by such means of convey-  
25 ance as the Secretary deems appropriate. State trust

1 lands acquired pursuant to the exchange shall be  
2 vested in the United States in trust for the sole use  
3 and benefit of the Crow Tribe and shall be deemed  
4 part of the Crow Indian Reservation.

5 (2) If, for any reason, the exchange for all or  
6 any portion of the State trust lands described in  
7 paragraph (1) is not completed within 5 years from  
8 the date of enactment of this Act, at the request of  
9 and in cooperation with the Crow Tribe, the Sec-  
10 retary shall develop and implement a program to  
11 provide the Crow Tribe with land in an amount suf-  
12 ficient to make up the difference between the value  
13 of all the State trust lands within the Crow Indian  
14 Reservation and the disputed area and the value of  
15 any State trust lands exchanged and acquired pursu-  
16 ant to paragraph (1). In carrying out this program,  
17 the Secretary is authorized to transfer title to public  
18 lands within the State of Montana to the Crow Tribe  
19 and to exchange public lands within the State of  
20 Montana for private lands of substantially equal  
21 value within the Crow Indian Reservation. The value  
22 of improvements on all such lands shall be given due  
23 consideration. Title to the public lands transferred  
24 pursuant to this paragraph, other than by exchange,  
25 and to the private lands acquired pursuant to this

1 paragraph shall be vested in the United States in  
2 trust for the sole use and benefit of the Crow Tribe  
3 and shall be deemed part of the Crow Indian Res-  
4 ervation. Notwithstanding the preceding provisions  
5 of this paragraph, the State of Montana shall retain  
6 civil and criminal authority over the surface only of  
7 any such lands in the event that any such lands are  
8 not contiguous to the existing Crow Reservation,  
9 which authority shall not be exclusive.

10 (d) YELLOWTAIL AFTERBAY POWER PLANT.—As  
11 part of the settlement of the 107th Meridian boundary dis-  
12 pute with the Crow Tribe and to bring the Federal Gov-  
13 ernment's operation of Yellowtail Afterbay Dam into com-  
14 pliance with applicable water quality standards, the Sec-  
15 retary, subject to the availability of funds, shall construct  
16 and operate a power plant and bypass at the Yellowtail  
17 Afterbay Dam. The cost of constructing such power plant  
18 and bypass shall be nonreimbursable. The Secretary, in  
19 consultation and cooperation with the Secretary of Energy  
20 and the Crow Tribe, is authorized to sell or to make ar-  
21 rangements for the sale or marketing of the power gen-  
22 erated at the Yellowtail Afterbay Dam to produce maxi-  
23 mum revenues. Revenues from the sale of power generated  
24 at that power plant shall first be used to defray the costs  
25 incurred in the operation, maintenance and repair of the

1 plant. The contract with the Crow Tribe referred to in  
2 section 4 of this Act shall provide that the remainder of  
3 the revenues from the sale of such power shall be trans-  
4 ferred to the Crow Tribe and used for such purposes as  
5 the Crow Tribe may determine, subject to the Secretary's  
6 approval. Notwithstanding the preceding sentence, the  
7 Crow Tribe, may, in its discretion, elect to utilize any por-  
8 tion of the power generated at the Yellowtail Afterbay  
9 Dam in lieu of receiving the revenues produced by the sale  
10 of that power.

11 (e) CROW TRIBAL TRUST FUND.—

12 (1) There is established in the Treasury of the  
13 United States a revolving account to be known as  
14 the "Crow Tribal Trust Account".

15 (2) Amounts in the Crow Tribal Trust Account  
16 shall be available, without fiscal year limitations, to  
17 the Secretary for distribution to the Crow Tribe in  
18 accordance with section 6(b), and other provisions of  
19 this Act.

20 (3) The Crow Tribal Trust Account shall con-  
21 sist of such amounts as are appropriated to it in ac-  
22 cordance with the authorizations provided by this  
23 Act.

24 (4) As part of the settlement of the 107th  
25 Meridian boundary dispute and other issues pertain-

1       ing to the Crow Indian Reservation, in the contract  
2       with the Crow Tribe referred to in section 4 of this  
3       Act, the Secretary, on behalf of the United States,  
4       shall pay, from moneys appropriated pursuant to  
5       this Act, into the Crow Tribal Trust Account  
6       \$10,000,000 for fiscal year 1994, and each of the  
7       next following 9 fiscal years.

8       (f) ~~ADDITIONAL CONTRIBUTIONS TO CROW TRIBAL~~  
9 ~~TRUST FUND.~~—In addition to the amounts authorized to  
10 be appropriated in subsection (c)(4), as part of the settle-  
11 ment of the 107th Meridian boundary dispute and other  
12 issues pertaining to the Crow Indian Reservation, in the  
13 contract with the Crow Tribe referred to in section 4 of  
14 this Act, the Secretary, on behalf of the United States,  
15 subject to the availability of moneys appropriated pursu-  
16 ant to this Act, shall pay the following amounts into the  
17 Crow Tribal Trust Account:

18           (1) Commencing with fiscal year 1994 and each  
19       fiscal year thereafter, an amount which shall be  
20       nonreimbursable and nonreturnable and equal to the  
21       amounts of royalties received and retained by the  
22       United States during the previous fiscal year from  
23       the East Decker, West Decker and Spring Creek  
24       coal mines in the State of Montana for the life of  
25       those mines, including any extensions of the existing

1 leases or expansions to adjacent or nearby coal de-  
2 posits owned by the Federal Government.

3 ~~(2)~~ Commencing with fiscal year 1994, and  
4 each fiscal year thereafter, an amount, which shall  
5 be nonreimbursable and nonreturnable, equal to the  
6 receipts from all deposits to the United States  
7 Treasury for the preceding fiscal year from the sale  
8 of power generated at Yellowtail Dam.

9 **SEC. 6. ADMINISTRATION OF CROW TRIBAL TRUST FUND.**

10 (a) INVESTMENT.—All sums deposited in, accruing to  
11 and remaining in the Crow Tribal Trust Account, shall  
12 be invested by the Secretary of the Treasury in interest-  
13 bearing deposits and securities in accordance with the Act  
14 of June 24, 1938 (52 Stat. 1037, 25 U.S.C. 162a).

15 (b) DISTRIBUTION OF INTEREST.—Only the interest  
16 received on moneys in the Crow Tribal Trust Account  
17 shall be available for distribution to the Crow Tribe, and  
18 then only for use for education, land acquisition, economic  
19 development, youth and elderly programs and other tribal  
20 purposes in accordance with plans and budgets developed  
21 by the Crow Tribe and approved by the Secretary; except  
22 that, subject to the Secretary's approval, up to 25 percent  
23 of the moneys in the Crow Tribal Trust Account at any  
24 time may be pledged by the Crow Tribe as security for  
25 commercial loans for economic development projects on or

1 near the Crow Indian Reservation. No part of any moneys  
2 in the Crow Tribal Trust Account or of the interest earned  
3 on moneys in the Crow Tribal Account shall be distributed  
4 to members of the Crow Tribe on a per capita basis.

5       (c) INTEREST ADJUSTMENTS.—(1) If and to the ex-  
6 tent that any portion of the sums described in section  
7 5(e)(4) are appropriated after fiscal year 1994 and the  
8 following 9 fiscal years or in lesser amounts than provided  
9 in section 5(e)(4), there shall be deposited in the Crow  
10 Tribal Trust Fund, subject to appropriations, in addition  
11 to the full contributions, adjustments representing the in-  
12 terest income, as determined by the Secretary in his sole  
13 discretion, that would have been earned on any unpaid  
14 amounts had the amounts authorized in section 5(e)(4)  
15 been appropriated in full at the beginning of each fiscal  
16 year for fiscal years 1994 through 2003.

17       (2) If and to the extent that any portion of the sums  
18 described in sections 5(f)(1) and 5(f)(2) are appropriated  
19 and deposited in the Crow Tribal Trust Fund more than  
20 60 days after the close of the preceding fiscal year or in  
21 lesser amounts than provided in those subsections, there  
22 shall be deposited in the Crow Tribal Trust Fund, subject  
23 to appropriations, in addition to the full contributions, ad-  
24 justments representing the interest income, as determined  
25 by the Secretary in his sole discretion, that would have

1 been earned on any unpaid amounts had the amounts au-  
2 thorized in sections 5(f)(1) and 5(f)(2) been appropriated  
3 and deposited in full in a timely manner.

4 **SEC. 7. CROW IRRIGATION PROJECT.**

5       At such time as the settlement contract between the  
6 Crow Tribe and the Secretary becomes effective, the au-  
7 thority of the Bureau of Reclamation to construct and op-  
8 erate the Hardin Bench, Little Horn, Custer Bench,  
9 Wyola, Benteen Flat, Battlefield and Crow Irrigation  
10 Projects on the Crow Indian Reservation as part of the  
11 Pick-Sloan Missouri River Basin Program is revoked; ex-  
12 cept that nothing in this Act shall affect the reserved  
13 water rights appurtenant to any lands within the Crow  
14 Indian Reservation.

15 **SEC. 8. ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.**

16       No payments pursuant to this Act shall result in the  
17 reduction or denial of any Federal services or programs  
18 to the Crow Tribe, the Northern Cheyenne Tribe or any  
19 of their members, to which they are entitled, or eligible  
20 because of their status as federally recognized Indian  
21 tribes or members of such tribes. No payments pursuant  
22 to this Act shall be subject to Federal or State income  
23 tax.

1 **SEC. 9. EXCHANGES OF LAND AND MINERALS.**

2 Subject to the Secretary's approval, the Crow Tribe  
3 is authorized to exchange any of the Crow Tribe's land  
4 or minerals within the disputed area recognized or ob-  
5 tained pursuant to paragraphs (1), (2), and (3) of section  
6 5(b), or paragraph (1) of section 5(c) or any of the Crow  
7 Tribe's land obtained pursuant to paragraph (2) of section  
8 5(c) for other land or minerals of substantially equivalent  
9 value within the Crow Indian Reservation. Lands or min-  
10 erals received by the tribe in such exchange shall be con-  
11 sidered to be vested in the United States in trust for the  
12 sole use and benefit of the Crow Tribe and a part of its  
13 reservation. Lands and minerals received by a non-Indian  
14 in such exchange shall be considered to be owned in fee.

15 **SEC. 10. EFFECTIVENESS CONTRACTS.**

16 The contracts entered into by the Crow Tribe and  
17 the Northern Cheyenne Tribe pursuant to this Act provid-  
18 ing for the settlement of the 107th Meridian dispute and  
19 other issues pertaining to the Crow Indian Reservation  
20 shall not take effect until the contracts are approved and  
21 executed in accordance with the requirements and proce-  
22 dures set forth in each tribe's constitution.

23 **SEC. 11. APPROPRIATIONS AUTHORIZED.**

24 There are authorized to be appropriated such sums  
25 as may be required to implement the provisions of this  
26 Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Crow Boundary Settle-*  
3 *ment Act of 1994”.*

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 *(a) FINDINGS.—Congress finds the following:*

6 *(1) Under the treaty between the United States*  
7 *of America and the Crow Tribe of Indians concluded*  
8 *May 7, 1868 (commonly known as the “Fort Laramie*  
9 *Treaty of 1868”; 15 Stat. 649), the eastern boundary*  
10 *of the Crow Indian Reservation was established as the*  
11 *107th meridian for approximately 90 miles from the*  
12 *Yellowstone River to the boundary between Montana*  
13 *and Wyoming.*

14 *(2) Under Executive orders issued in 1884 and*  
15 *1900, the western boundary of the Northern Cheyenne*  
16 *Reservation was established as the 107th meridian.*  
17 *The 107th meridian was intended to be the common*  
18 *boundary between the Crow Reservation and Northern*  
19 *Cheyenne Reservation for approximately 25 miles.*

20 *(3) From 1889 through 1891, a survey was con-*  
21 *ducted of the eastern boundary of the Crow Reserva-*  
22 *tion. The 1891 survey line strayed to the west, and*  
23 *resulted in the exclusion from the Crow Indian Res-*  
24 *ervation of a strip of land of approximately 36,164*  
25 *acres. Approximately 12,964 acres of such strip of*  
26 *land were included in the Northern Cheyenne Res-*

1        *ervation. Deposits of low sulphur coal underlie the*  
2        *land excluded from the Crow Indian Reservation, in-*  
3        *cluding the land included in the Northern Cheyenne*  
4        *Indian Reservation.*

5            *(4)(A) The erroneous nature of the survey was*  
6        *not discovered for several decades. Meanwhile, the*  
7        *areas along the 107th meridian to the north and*  
8        *south of the Northern Cheyenne Indian Reservation*  
9        *were opened to settlement in the late nineteenth cen-*  
10       *tury and early part of the twentieth century. Patents*  
11       *were issued to non-Indian persons and to the State of*  
12       *Montana for most of the surface land and a signifi-*  
13       *cant portion of the minerals in these areas between*  
14       *the 107th meridian and the 1891 survey line.*

15           *(B) The 12,964 acres included in the Northern*  
16       *Cheyenne Reservation have been treated as part of the*  
17       *Northern Cheyenne Reservation and occupied by the*  
18       *Northern Cheyenne Tribe and the Northern Cheyenne*  
19       *allottees, and their successors in interest.*

20           *(5) Legislation to resolve the 107th meridian*  
21       *boundary dispute was introduced in Congress in the*  
22       *1960's and 1970's, and again in 1992, but no such*  
23       *legislation was enacted into law.*

24           *(b) PURPOSE.—The purpose of this Act is to settle the*  
25       *107th meridian boundary dispute created by the erroneous*

1 *survey of the eastern boundary of the Crow Indian Reserva-*  
2 *tion made by the Federal Government described in sub-*  
3 *section (a)(3).*

4 **SEC. 3. DEFINITIONS.**

5 *As used in this Act:*

6 (1) *CROW TRIBE.*—*The term “Crow Tribe”*  
7 *means the Crow Tribe of Indians, the duly recognized*  
8 *governing body of the Crow Indian Reservation.*

9 (2) *DISPUTED AREA.*—*The term “disputed area”*  
10 *means the approximately 36,164 acres of land, in-*  
11 *cluding the minerals, located between the 107th me-*  
12 *ridian on the east and the 1891 survey line on the*  
13 *west from the Yellowstone River on the north to the*  
14 *boundary between the State of Wyoming and the*  
15 *State of Montana on the south.*

16 (3) *1891 SURVEY.*—*The term “1891 survey”*  
17 *means the survey of the eastern boundary of the Crow*  
18 *Reservation conducted by the United States Govern-*  
19 *ment from 1889 through 1891.*

20 (4) *1891 SURVEY LINE.*—*The term “1891 survey*  
21 *line” means the erroneous boundary line resulting*  
22 *from the survey of the 107th meridian which was*  
23 *completed in 1891.*

24 (5) *NORTHERN CHEYENNE TRIBE.*—*The term*  
25 *“Northern Cheyenne Tribe” means the Northern Chey-*

1 *enne Tribe of Indians, with the Northern Cheyenne*  
2 *Tribal Council as the duly recognized governing body*  
3 *of the Northern Cheyenne Indian Reservation.*

4 (6) *107TH MERIDIAN BOUNDARY DISPUTE.*—The  
5 *term “107th meridian boundary dispute” means the*  
6 *dispute resulting from the disparity between the loca-*  
7 *tion of the 107th meridian and the location of the*  
8 *1891 survey line.*

9 (7) *107TH MERIDIAN ESCROW FUND.*—The term  
10 *“107th meridian escrow fund” means the revenues*  
11 *that arise from, or are derived from, parcel number*  
12 *2, including all accrued interest on such revenues,*  
13 *which are held by the Bureau of Indian Affairs in an*  
14 *escrow account as of the date of enactment of this Act.*

15 (8) *PARCEL NUMBER 1.*—The term *“parcel num-*  
16 *ber 1” means the area, encompassing approximately*  
17 *11,317 acres, bounded on the south by the Montana-*  
18 *Wyoming border, on the east by the 107th meridian,*  
19 *on the north by the extension to the west of the south-*  
20 *ern boundary of the Northern Cheyenne Indian Res-*  
21 *ervation, and on the west by the 1891 survey line.*

22 (9) *PARCEL NUMBER 2.*—The term *“parcel num-*  
23 *ber 2” means the area, encompassing approximately*  
24 *12,964 acres, bounded on the south by the extension*  
25 *to the west of the southern boundary of the Northern*

1       *Cheyenne Indian Reservation, on the east by the*  
2       *107th meridian, on the north by the extension to the*  
3       *west of the northern boundary of the Northern Chey-*  
4       *enne Indian Reservation, and on the west by the 1891*  
5       *survey line.*

6               (10) *PARCEL NUMBER 3.—The term “parcel*  
7       *number 3” means the area, encompassing approxi-*  
8       *mately 2,469 acres, bounded on the south by the ex-*  
9       *ension to the west of the northern boundary of the*  
10       *Northern Cheyenne Indian Reservation, on the east by*  
11       *the 107th meridian, on the north by the northern*  
12       *boundary of the Crow Indian Reservation, and on the*  
13       *west by the 1891 survey line.*

14              (11) *PARCEL NUMBER 4.—The term “parcel*  
15       *number 4” means the area, encompassing approxi-*  
16       *mately 9,415 acres, bounded on the south by the*  
17       *northern boundary of the Crow Indian Reservation,*  
18       *on the east by the 107th meridian, on the north by*  
19       *the midpoint of the Yellowstone River, and on the*  
20       *west by the 1891 survey line.*

21              (12) *PUBLIC LANDS.—The term “public lands”*  
22       *means any land or interest in land owned by the*  
23       *United States (without regard to the means by which*  
24       *the United States acquired ownership of the land or*

1     *interest in land) and administered by the Secretary*  
2     *through the Bureau of Land Management.*

3             (13) *ROYALTIES RECEIVED AND RETAINED BY*  
4     *THE UNITED STATES.—The term “royalties received*  
5     *and retained by the United States” means the royal-*  
6     *ties derived from minerals owned by the United*  
7     *States that the United States retains after all pay-*  
8     *ments from the royalties have been made to the State*  
9     *of Montana or any unit of local government of the*  
10    *State of Montana.*

11            (14) *SECRETARY.—The term “Secretary” means*  
12    *the Secretary of the Interior.*

13            (15) *SETTLEMENT AGREEMENT.—The term “Set-*  
14    *tlement Agreement” means the agreement between the*  
15    *Secretary, on behalf of the United States and the*  
16    *Crow Tribe, that provides for the resolution of all*  
17    *claims held by the Crow Tribe arising from the 107th*  
18    *meridian boundary dispute.*

19            (16) *UNDISPOSED OF COAL.—The term*  
20    *“undisposed of coal” means coal that has not been*  
21    *conveyed to private parties or to the State of Montana*  
22    *by the United States.*

23            (17) *UNDISPOSED OF SURFACE LANDS.—The*  
24    *term “undisposed of surface lands” means surface*

1       *land that has not been conveyed to private parties or*  
2       *to the State of Montana by the United States.*

3               (18) *UNDISPOSED OF OIL, GAS, COAL METHANE,*  
4       *OR OTHER MINERALS.—The term “undisposed of oil,*  
5       *gas, coal methane, or other minerals” means oil, gas,*  
6       *coal methane, or other minerals (excluding coal) that*  
7       *have not been conveyed to private parties or to the*  
8       *State of Montana by the United States.*

9       **SEC. 4. SETTLEMENT AGREEMENT.**

10       (a) *EXECUTION OF THE SETTLEMENT AGREEMENT.—*  
11       *Subject to the terms and conditions of this Act, the Sec-*  
12       *retary shall enter into the Settlement Agreement with the*  
13       *Crow Tribe.*

14       (b) *RATIFICATION OF THE SETTLEMENT AGREE-*  
15       *MENT.—Subject to the conditions set forth in section 9(a),*  
16       *the United States hereby approves, ratifies, and confirms*  
17       *the Settlement Agreement, to the extent that such Settlement*  
18       *Agreement does not conflict with this Act.*

19       (c) *MODIFICATION OF THE SETTLEMENT AGREE-*  
20       *MENT.—The terms and conditions of the Settlement Agree-*  
21       *ment may be modified by mutual agreement of the Crow*  
22       *Tribe and the Secretary if such modification—*

23               (1) *is not inconsistent with this Act; and*

24               (2) *does not diminish or impair any right or*  
25       *benefit secured to the Northern Cheyenne Tribe, the*

1 *Northern Cheyenne allottees, or their successors in in-*  
2 *terest by or pursuant to any provision of this Act.*

3 *(d) ENFORCEMENT OF THE SETTLEMENT AGREE-*  
4 *MENT.—*

5 *(1) IN GENERAL.—Except as provided in para-*  
6 *graph (2), the Settlement Agreement shall be subject*  
7 *to the enforcement provisions under chapter 7 of title*  
8 *5, United States Code.*

9 *(2) ADDITIONAL ENFORCEMENT.—If, with re-*  
10 *spect to the enforcement of the Settlement Agreement,*  
11 *the remedies available under the provisions referred to*  
12 *in paragraph (1) do not provide adequate or complete*  
13 *relief, the Settlement Agreement shall be subject to the*  
14 *enforcement provisions under section 1505 of title 28,*  
15 *United States Code.*

16 **SEC. 5. SETTLEMENT TERMS AND CONDITIONS AND EXTIN-**  
17 **GUISHMENT OF CLAIMS.**

18 *(a) PROPERTY WITHIN PARCEL NUMBER 1.—*

19 *(1) IN GENERAL.—With respect to the property*  
20 *within parcel number 1, the following provisions shall*  
21 *apply:*

22 *(A) The boundary of the Crow Indian Res-*  
23 *ervation shall be the 107th meridian.*

24 *(B) Title to the undisposed of coal of such*  
25 *parcel shall be vested in the United States in*

1           *trust for the sole use and benefit of the Crow*  
2           *Tribe and shall be recognized as part of the Crow*  
3           *Indian Reservation.*

4           (C) *Title to the undisposed of surface lands*  
5           *of such parcel shall be vested in the United*  
6           *States in trust for the sole use and benefit of the*  
7           *Crow Tribe and shall be recognized as part of the*  
8           *Crow Indian Reservation.*

9           (D) *Title to the undisposed of oil, gas, coal*  
10           *methane, or other minerals of such parcel shall*  
11           *be vested in the United States in trust for the*  
12           *sole use and benefit of the Crow Tribe and shall*  
13           *be recognized as part of the Crow Indian*  
14           *Reservation.*

15           (2) *PROHIBITION.—Nothing in this Act or the*  
16           *Settlement Agreement may alter, diminish, disturb,*  
17           *or cause to be divested any right, title, or interest of*  
18           *any person or entity in any land, coal, oil, gas, coal*  
19           *methane, or mineral within parcel number 1 that is*  
20           *based on the 1891 survey line, except for the specific*  
21           *rights that are vested in the United States for the sole*  
22           *use and benefit of the Crow Tribe pursuant to sub-*  
23           *paragraphs (B) through (D) of paragraph (1).*

1           (3) *WAIVERS AND RELEASES.*—*The following*  
2           *waivers and releases shall be included in the Settle-*  
3           *ment Agreement:*

4                   (A) *A disclaimer and relinquishment by the*  
5                   *Crow Tribe of all right, title, claim, or interest*  
6                   *in all the land and minerals within parcel num-*  
7                   *ber 1, except for the rights, titles, and interests*  
8                   *recognized as beneficially owned by the Crow*  
9                   *Tribe and as part of the Crow Indian Reserva-*  
10                   *tion in subparagraphs (B) through (D) of para-*  
11                   *graph (1).*

12                   (B) *A release by the Crow Tribe of all per-*  
13                   *sons and entities, including the United States,*  
14                   *from any liability arising from, or related to, the*  
15                   *1891 survey and the subsequent occupancy and*  
16                   *use of parcel number 1.*

17           (b) *PROPERTY WITHIN PARCEL NUMBER 2.*—

18                   (1) *IN GENERAL.*—*With respect to the property*  
19                   *within parcel number 2, the following provisions shall*  
20                   *apply:*

21                   (A) *The boundary between the Crow and*  
22                   *Northern Cheyenne Indian Reservations shall be*  
23                   *the 1891 survey line.*

1           (B) All surface lands and minerals of such  
2 parcel shall constitute part of the Northern Chey-  
3 enne Reservation.

4           (C) All surface lands, including all rights  
5 appurtenant to the surface lands, of such parcel  
6 shall be vested in the United States in trust for  
7 the sole use and benefit of the Northern Cheyenne  
8 Tribe, except that surface lands that have been  
9 allotted shall be recognized as held in trust for,  
10 or owned in fee by (as the case may be), the  
11 Northern Cheyenne allottees or their successors in  
12 interest.

13           (D) The oil, gas, coal, coal methane, and  
14 other minerals, including all rights appurtenant  
15 to such minerals, of such parcel shall be vested  
16 in the United States in trust for the sole use and  
17 benefit of the Northern Cheyenne Tribe.

18           (2) WAIVERS AND RELEASES.—The following  
19 waivers and releases shall be included in the Settle-  
20 ment Agreement:

21           (A) A disclaimer and relinquishment by the  
22 Crow Tribe of all right, jurisdiction, title, claim,  
23 or interest in the lands and minerals within  
24 parcel number 2, including all rights appur-  
25 tenant to such land and minerals.

1           (B) A release by the Crow Tribe of all per-  
2           sons and entities, including the United States,  
3           the Northern Cheyenne Tribe, the Northern Chey-  
4           enne allottees and their successors in interest,  
5           from any liability arising from, or related to, the  
6           1891 survey and the subsequent occupancy and  
7           use of parcel number 2.

8           (3) ENFORCEMENT.—The provisions of sub-  
9           section (b) may be enforced, in law or in equity, by  
10          the Northern Cheyenne Tribe, Northern Cheyenne  
11          allottees, and their successors in interest, in accord-  
12          ance with their respective interests.

13          (c) PROPERTY WITHIN PARCEL NUMBER 3 AND PAR-  
14          CEL NUMBER 4.—

15           (1) IN GENERAL.—With respect to the property  
16           within parcel number 3 and parcel number 4, the  
17           boundary of the Crow Indian Reservation shall be the  
18           1891 survey line.

19           (2) PROHIBITION.—Nothing in this Act or the  
20           Settlement Agreement may alter, diminish, disturb,  
21           or cause to be divested any right, title, or interest of  
22           any person or entity in any land, coal, or mineral  
23           within parcel number 3 or parcel number 4 that is  
24           based on the 1891 survey line.

1           (3) *WAIVERS AND RELEASES.*—*The following*  
2           *waivers and releases shall be included in the Settle-*  
3           *ment Agreement:*

4                   (A) *A disclaimer and relinquishment by the*  
5                   *Crow Tribe of all right, jurisdiction, title, claim,*  
6                   *or interest in the lands and minerals situated*  
7                   *within parcel number 3 and parcel number 4.*

8                   (B) *A release by the Crow Tribe of all per-*  
9                   *sons and entities, including the United States,*  
10                   *from any liability arising from, or related to, the*  
11                   *1891 survey and the subsequent occupancy and*  
12                   *use of parcel number 3 and parcel number 4.*

13           (d) *EXCHANGE OF PUBLIC LANDS.*—*With respect to*  
14           *the land exchanges with the State of Montana and private*  
15           *landowners made under this Act the following provisions*  
16           *shall apply:*

17                   (1) *IN GENERAL.*—(A) *The Secretary shall nego-*  
18                   *tiate with the State of Montana for the purpose of ex-*  
19                   *changing public lands within the State of Montana*  
20                   *for State trust lands within the Crow Reservation*  
21                   *having a total value substantially equal to the value*  
22                   *of the surface estate of the approximately 46,625 acres*  
23                   *of State trust lands obtained by the State of Montana*  
24                   *pursuant to the Act of February 22, 1889 (commonly*  
25                   *known as the “Montana Enabling Act”; 25 Stat. 676,*

1 *chapter 180), and the Act entitled “An Act to provide*  
2 *for the allotment of lands of the Crow Tribe for the*  
3 *distribution of tribal funds and for other purposes”*  
4 *approved June 4, 1920 (commonly known as the*  
5 *“Crow Allotment Act”; 41 Stat. 751, chapter 224)*  
6 *within the Crow Indian Reservation and the disputed*  
7 *area.*

8 *(B) The exchange described in subparagraph (A)*  
9 *shall be in accordance with the exchange procedures*  
10 *set forth in section 206 of the Federal Land Policy*  
11 *and Management Act of 1976 (43 U.S.C. 1716).*

12 *(C) In determining the fair market value of the*  
13 *lands described in subparagraph (A), the parties to*  
14 *the exchange shall give due consideration to the value*  
15 *of improvements on the lands.*

16 *(D) The Secretary shall ensure that lands ex-*  
17 *changed pursuant to this paragraph as part of the*  
18 *settlement of the 107th Meridian boundary dispute*  
19 *made pursuant to this Act shall be selected in such*  
20 *manner that the financial impact on local govern-*  
21 *ments, if any, will be minimized.*

22 *(E) The Secretary shall provide such financial*  
23 *or other assistance to the State of Montana and to the*  
24 *Crow Tribe as may be necessary to obtain the ap-*  
25 *praisals, and to satisfy administrative requirements,*

1     *necessary to accomplish the exchanges made pursuant*  
2     *to subparagraph (A).*

3             *(F) Upon approving an exchange made pursuant*  
4     *to this paragraph, the Secretary shall—*

5                 *(i) receive title to the State trust lands in-*  
6             *volved in the exchange on behalf of the United*  
7             *States; and*

8                 *(ii) transfer title to the public lands dis-*  
9             *posed of pursuant to the exchanges with the*  
10            *State of Montana by such means of conveyance*  
11            *as the Secretary considers appropriate.*

12            *(G) Title to the State trust lands acquired pur-*  
13            *suant to the exchanges made with the State of Mon-*  
14            *tana pursuant to this paragraph shall be vested in the*  
15            *United States in trust for the sole use and benefit of*  
16            *the Crow Tribe and shall be recognized as part of the*  
17            *Crow Indian Reservation.*

18            *(2) REQUIREMENT FOR EXCHANGES.—(A) In*  
19            *carrying out the exchanges with the State of Montana*  
20            *pursuant to paragraph (1), the Secretary shall, dur-*  
21            *ing a period of at least 5 years beginning on the date*  
22            *on which the Settlement Agreement becomes effective,*  
23            *give first priority to the exchange of public lands*  
24            *within the State of Montana for State trust lands*

1        *owned by the State of Montana as of the date of the*  
2        *enactment of this Act.*

3                *(B) Subject to subparagraph (C), if, for any rea-*  
4        *son, after the expiration of the period specified in sub-*  
5        *paragraph (A), the exchanges of the State trust lands*  
6        *identified in paragraph (1) have not provided the*  
7        *Crow Tribe with a total of 46,625 acres of surface*  
8        *lands within the boundaries of the existing Crow In-*  
9        *Indian Reservation (including parcel number 1), the*  
10       *Secretary shall, at the request of, and in cooperation*  
11       *with, the Crow Tribe, develop and implement a pro-*  
12       *gram to provide the Crow Tribe with additional land*  
13       *within the Crow Indian Reservation (including par-*  
14       *cel number 1) through land exchanges with private*  
15       *landowners.*

16                *(C) The total value of—*

17                        *(i) the value of the lands exchanged and ac-*  
18        *quired for the Crow Tribe pursuant to para-*  
19        *graph (1), and*

20                        *(ii) the value of the lands exchanged and ac-*  
21        *quired for the Crow Tribe pursuant to this para-*  
22        *graph,*

23        *shall not exceed the value of the surface estate of the*  
24        *46,625 acres of land identified in paragraph (1)(A).*

1           (D) In carrying out a program developed pursu-  
2           ant to this paragraph, the Secretary may exchange  
3           public lands within the State of Montana for private  
4           lands of substantially equal value within the bound-  
5           aries of the existing Crow Indian Reservation in ac-  
6           cordance with section 206 of the Federal Land Policy  
7           Management Act of 1976 (43 U.S.C. 1716).

8           (E) In determining the fair market value of the  
9           lands described in subparagraph (D), the parties to  
10          an exchange made pursuant to subparagraph (D)  
11          shall give due consideration to the value of improve-  
12          ments on the lands.

13          (F) If the Secretary obtains private lands pursu-  
14          ant to subparagraph (D), the Secretary shall transfer  
15          title to such lands to the Crow Tribe.

16          (G) Title to any private or public lands trans-  
17          ferred to the Crow Tribe pursuant to this paragraph  
18          shall—

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

22                 (ii) be recognized as part of the Crow In-  
23                 dian Reservation, if such lands are located with-  
24                 in the boundaries of the Crow Indian Reserva-  
25                 tion.



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

8           (B) commencing with fiscal year 1995 and  
9           for such period thereafter as may be necessary,  
10          the Secretary and the Secretary of the Treasury  
11          shall make necessary and proper arrangements  
12          for the monthly payment, transfer, or deposit (or  
13          any combination thereof) into the Crow Tribal  
14          Trust Fund of the royalties received and retained  
15          by the United States for the immediately preced-  
16          ing month from the East Decker, West Decker,  
17          and Spring Creek coal mines in the State of  
18          Montana for the life of such mines, including  
19          any extensions of the existing leases for such  
20          mines and any expansions of such mines to  
21          nearby and adjacent federally owned coal depos-  
22          its, as specified in the Settlement Agreement.

23          (2) AMOUNT OF ROYALTIES.—The total amount  
24          of royalties described in paragraph (1) that are paid,  
25          transferred, or deposited into the Crow Tribal Trust

1 *Fund shall not exceed, in the aggregate, \$85,000,000,*  
2 *excluding—*

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

5 *(B) the funds transferred to the Suspension*  
6 *Accounts pursuant to section 10.*

7 *(3) PAYMENTS OF ROYALTIES RECEIVED AND RE-*  
8 *TAINED BY THE UNITED STATES.—Subject to para-*  
9 *graph (2) and the requirements of section 10, the roy-*  
10 *alties received and retained by the United States from*  
11 *the East Decker, West Decker, and Spring Creek coal*  
12 *mines shall be paid, transferred or deposited into the*  
13 *Crow Tribal Trust Fund not later than 30 days after*  
14 *the date on which the royalties are due and paid.*

15 *(4) ADDITIONAL PAYMENTS.—The Federal Gov-*  
16 *ernment shall make payments, in addition to the pay-*  
17 *ments referred to in paragraph (3), from the royalties*  
18 *received and retained by the United States from other*  
19 *coal mines within the State of Montana into the Crow*  
20 *Tribal Trust Fund in an amount equal to any lost*  
21 *interest income (as determined by the Secretary), if*  
22 *any portion of the sums described in paragraph (3)*  
23 *are not paid, transferred or deposited into the Crow*  
24 *Tribal Trust Fund within the 30-day period pre-*  
25 *scribed in paragraph (3).*

1           (c) *INVESTMENT.*—*The Secretary and Secretary of the*  
2 *Treasury shall invest all sums deposited into, accruing to,*  
3 *and remaining in, the Crow Tribal Trust Fund in interest-*  
4 *bearing deposits and securities in accordance with the Act*  
5 *of February 12, 1929 (45 Stat. 1164, chapter 178; 25 U.S.C.*  
6 *161a) or the Act of June 24, 1938 (52 Stat. 1037, chapter*  
7 *648; 25 U.S.C. 162a).*

8           (d) *DISTRIBUTION OF INTEREST.*—

9           (1) *IN GENERAL.*—*Only the interest received on*  
10 *funds in the Crow Tribal Trust Fund shall be avail-*  
11 *able for distribution by the Secretary to the Crow*  
12 *Tribe for use for education, land acquisition, eco-*  
13 *nomic development, youth and elderly programs or*  
14 *other tribal purposes in accordance with plans and*  
15 *budgets developed and approved by the Crow Tribe*  
16 *and approved by the Secretary.*

17           (2) *REQUIREMENTS FOR DISTRIBUTION OF IN-*  
18 *TEREST.*—*Commencing with fiscal year 1996 and for*  
19 *each fiscal year thereafter, without fiscal year limita-*  
20 *tion, the interest received on monies in the Crow*  
21 *Tribal Trust Fund shall be available for distribution*  
22 *under this subsection only if—*

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



1        *ber of a tribe to which the tribe or member of the tribe*  
2        *is entitled or eligible because of the status of the tribe*  
3        *as a federally recognized Indian tribe or the status of*  
4        *a member of such tribe as a member; or*

5                *(2) be subject to any Federal or State income*  
6        *tax.*

7        **SEC. 8. EXCHANGES OF LAND OR MINERALS.**

8                *(a) IN GENERAL.—(1) Subject to approval by the Sec-*  
9        *retary, the Crow Tribe may exchange any land or minerals*  
10        *to which its title is recognized in or obtained pursuant to*  
11        *this Act for other land or minerals of substantially equiva-*  
12        *lent value within the Crow Indian Reservation (including*  
13        *parcel number 1).*

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

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

18                *(B) recognized as part of the Crow Indian Res-*  
19        *ervation.*

20                *(b) OWNERSHIP BY NON-INDIANS.—Any land or min-*  
21        *erals received by a person who is not an Indian in an ex-*  
22        *change referred to in subsection (a) shall be owned in fee.*

23        **SEC. 9. APPLICABILITY.**

24                *(a) IN GENERAL.—The Act shall take effect upon the*  
25        *occurrence of the following conditions:*

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

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

5           (3) *The Settlement Agreement and the releases*  
6           *and waivers required by section 5 are approved and*  
7           *duly executed by the Crow Tribe in accordance with*  
8           *the requirements and procedures set forth in the con-*  
9           *stitution of the Crow Tribe.*

10          (4) *The Settlement Agreement becomes effective*  
11          *in accordance with the terms and conditions specified*  
12          *in the Settlement Agreement.*

13          (b) *APPROVAL OF RELEASES AND WAIVERS.—The*  
14          *United States hereby approves and confirms the releases*  
15          *and waivers required by section 5.*

16          **SEC. 10. ESCROW FUNDS.**

17          (a) *IN GENERAL.—As soon as practicable after the*  
18          *date of enactment of this Act, the Secretary shall make dis-*  
19          *tributions from the 107th meridian escrow fund as follows:*

20                 (1) *One-half of the fund shall be distributed to*  
21                 *the Crow Tribe.*

22                 (2) *One-half of the fund shall be distributed to*  
23                 *the Northern Cheyenne Tribe.*

1           (3) *The receipt and acceptance by a tribe of*  
2 *funds distributed under this section shall be deemed*  
3 *to be—*

4                   (A) *a disclaimer, relinquishment and waiv-*  
5 *er by such tribe of all right, claim or interest in*  
6 *the 107th meridian escrow fund; and*

7                   (B) *a release by such tribe of all persons*  
8 *and entities, including the United States, from*  
9 *any liability arising from, or related to, the es-*  
10 *tablishment and administration of the 107th me-*  
11 *ridian escrow fund.*

12           (b) *ESTABLISHMENT OF SUSPENSION ACCOUNTS.—As*  
13 *soon as practicable after the Settlement Agreement is exe-*  
14 *cuted and approved pursuant to this Act, the Secretary of*  
15 *the Treasury shall establish in the Treasury of the United*  
16 *States two interest bearing accounts to be known respec-*  
17 *tively as the “Crow Tribal Suspension Account” and the*  
18 *“Northern Cheyenne Tribal Suspension Account” (collec-*  
19 *tively referred to in this subsection as the “Suspension Ac-*  
20 *counts”), consisting of—*

21                   (1) *such amounts as are transferred to the Sus-*  
22 *pension Accounts under subsection (c); and*

23                   (2) *any interest earned on investments of*  
24 *amounts in the Suspension Accounts under subsection*  
25 *(e).*

1       (c) *CONTRIBUTIONS TO THE SUSPENSION AC-*  
2 *COUNTS.*—

3           (1) *IN GENERAL.*—*Beginning with fiscal year*  
4 *1995, and ending on the date on which the total*  
5 *amount deposited pursuant to this subsection into the*  
6 *Suspension Accounts is equal to \$200,000 for each*  
7 *such account (as specified in subsection (d)), the Sec-*  
8 *retary and the Secretary of the Treasury shall make*  
9 *necessary and proper arrangements for the monthly*  
10 *payment, transfer, or deposit (or any combination*  
11 *thereof) into each of the Suspension Accounts of an*  
12 *amount equal to one-half of the royalties received and*  
13 *retained by the United States for the immediately*  
14 *preceding month, as determined in accordance with*  
15 *section 6(b)(1), by the date specified under section*  
16 *6(b)(3).*

17           (2) *SUBSEQUENT DEPOSITS.*—*At such time as*  
18 *the amount deposited pursuant to this subsection into*  
19 *the Suspension Accounts is equal to \$200,000 for each*  
20 *such account (as specified in subsection (d)), in ac-*  
21 *cordance with section 6(b)(1), the Secretary and the*  
22 *Secretary of the Treasury shall thereafter deposit any*  
23 *remaining amounts determined under section 6(b)(1)*  
24 *in the Crow Tribal Trust Fund established under sec-*  
25 *tion 6(a).*

1       (d) *LIMITATION.*—*The Secretary and the Secretary of*  
2 *the Treasury shall not transfer more than a total amount*  
3 *equal to \$200,000 to each of the Suspension Accounts from*  
4 *the amounts determined under section 6(b)(1).*

5       (e) *INVESTMENT.*—*All sums deposited in, accruing to*  
6 *and remaining in the Suspension Accounts shall be invested*  
7 *by the Secretary and the Secretary of the Treasury in inter-*  
8 *est bearing deposits and securities in accordance with the*  
9 *Act of June 24, 1938 (52 Stat. 1037, chapter 648; 25 U.S.C.*  
10 *162a).*

11       (f) *WITHDRAWALS AND TERMINATION.*—

12           (1) *IN GENERAL.*—(A) *Beginning on the date*  
13 *that is 5 years after the date of enactment of this Act,*  
14 *the Crow Tribe and the Northern Cheyenne Tribe*  
15 *may each submit a duly authorized request to the*  
16 *Secretary for the withdrawal of all of the funds from*  
17 *the Suspension Account of the tribe established under*  
18 *subsection (b).*

19           (B) *Not later than 60 days after receiving a re-*  
20 *quest for the distribution of funds from a Suspension*  
21 *Account made by a tribe under subparagraph (A)—*

22           (i) *the Secretary shall, in cooperation with*  
23 *the Secretary of the Treasury, withdraw and dis-*  
24 *tribute such funds in accordance with such re-*  
25 *quest; and*

1           (ii) the Secretary of the Treasury shall ter-  
2           minate the Suspension Account.

3           (2) OTHER MEANS OF TERMINATION—With re-  
4           spect to a Suspension Account established under sub-  
5           section (b) that is not terminated pursuant to para-  
6           graph (1), at such time as the corpus and the accrued  
7           interest of the Suspension Account of the Crow Tribe  
8           or the Northern Cheyenne Tribe is approximately  
9           equal to the amount specified in paragraph (1) or (2)  
10          of subsection (a), the Secretary of the Treasury shall  
11          terminate the Suspension Account and the Secretary  
12          of the Interior shall distribute the funds from the Sus-  
13          pension Account to the tribe.

14 **SEC. 11. FORT LARAMIE TREATY OF 1868.**

15          Except for the adjustment to the eastern boundary of  
16          the Crow Indian Reservation, nothing in this Act or in the  
17          Settlement Agreement shall affect or modify the terms and  
18          conditions of the treaty between the United States of Amer-  
19          ica and the Crow Tribe of Indians concluded May 7, 1868  
20          (commonly known as the “Fort Laramie Treaty of 1868”;  
21          15 Stat. 649).

22 **SEC. 12. SATISFACTION OF CLAIMS.**

23          The benefits available to the Crow Tribe under the  
24          terms and conditions of this Act and the Settlement Agree-  
25          ment shall constitute full and complete satisfaction of all

1 *claims by the Crow Tribe and the members of the Crow*  
 2 *Tribe arising from or related to the erroneous survey of the*  
 3 *107th meridian described in section 2(a)(3).*

4 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

5 *There are authorized to be appropriated to the Depart-*  
 6 *ment of the Interior such sums as are necessary to carry*  
 7 *out this Act.*

Amend the title so as to read: “A bill to resolve the  
 107th meridian boundary dispute between the Crow In-  
 dian Tribe and the United States.”.

S 1216 RCS—2

S 1216 RCS—3

S 1216 RCS—4

S 1216 RCS—5