

103^D CONGRESS
2^D SESSION

S. 2270

To authorize the Secretary of the Interior to transfer 40 acres of land on the Northern Cheyenne Indian Reservation, Montana, to Lame Deer High School District No. 6, Rosebud County, Montana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 1 (legislative day, JUNE 7), 1994

Mr. BAUCUS introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To authorize the Secretary of the Interior to transfer 40 acres of land on the Northern Cheyenne Indian Reservation, Montana, to Lame Deer High School District No. 6, Rosebud County, Montana, and for other purposes.

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. DEFINITIONS.**

4 As used in this Act:

5 (1) SCHOOL DISTRICT.—The term “School Dis-

6 trict” means the Lame Deer High School District

7 No. 6., Rosebud County, Montana.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (3) TRIBE.—The term “Tribe” means the
4 Northern Cheyenne Tribe.

5 **SEC. 2. NORTHERN CHEYENNE LAND TRANSFER.**

6 (a) CONVEYANCE OF LANDS.—Notwithstanding any
7 other provision of law, the Secretary shall convey by pat-
8 ent to the School District all right, title, and interest of
9 the United States and the Tribe in the lands described
10 in subsection (b) for use by the School District only for
11 the purposes of constructing and operating on the lands
12 a public high school and related facilities.

13 (b) DESCRIPTION OF LANDS.—

14 (1) GENERAL LEGAL DESCRIPTION.—The lands
15 described in this paragraph are within the Northern
16 Cheyenne Indian Reservation, as follows: The $W^{1/2}$
17 of $SE^{1/4}$ and the $E^{1/2}$ of $SW^{1/4}$ of section 10, town-
18 ship 3 south, range 41 east, M.P.M.

19 (2) NARRATIVE DESCRIPTION.—Such lands
20 may be described as follows: Beginning at the south
21 $1/4$ corner of such section 10, thence south 89 de-
22 grees 56 minutes west 393.31 feet, on and along the
23 south line of such section 10 to the true point of be-
24 ginning, thence south 89 degrees 56 minutes west
25 500 feet, on and along such section line, thence

1 north 00 degrees 00 minutes east, 575.0 feet, thence
2 north 54 degrees 9 minutes 22 seconds east,
3 2,382.26 feet, thence south 23 degrees 44 minutes
4 21 seconds east, 622.56 feet, thence south 51 de-
5 grees 14 minutes 40 seconds west, 2,177.19 feet, to
6 the true point of beginning, containing in all 40.0
7 acres, more or less.

8 **SEC. 3. PATENT.**

9 The patent issued by the Secretary under this Act
10 shall be issued subject to the following conditions:

11 (1) Title to all coal and other minerals, includ-
12 ing oil, gas, and other natural deposits, within the
13 lands described in section 2(b) shall remain with the
14 Secretary to be held in trust for the Tribe, as pro-
15 vided in Public Law 90-424 (82 Stat. 424).

16 (2) The lands described in section 2(b) con-
17 veyed to the School District may be used only by the
18 School District and only for the purposes of con-
19 structing and operating on the lands a public high
20 school and related facilities.

21 (3) If, on the termination of the 8-year period
22 beginning on the date of issuance of the patent,
23 classes have not commenced in a permanent public
24 high school facility established on the lands de-
25 scribed in section 2(b) conveyed to the School Dis-

1 trict, or if such classes commence at the facility dur-
2 ing such period, but the facility subsequently perma-
3 nently ceases operating as a public high school—

4 (A) all right, title, and interest to the lands
5 described in section 2(b) conveyed to the School
6 District, free and clear of all liens and encum-
7 brances, shall automatically revert to the Sec-
8 retary to be held in trust for the Tribe; and

9 (B) the Secretary shall void the patent and
10 the patent shall have no further force or effect.

11 (4)(A) At any time after the conclusion of any
12 litigation pending as of the date of enactment of this
13 Act (including any trial and, if any, appellate pro-
14 ceedings) that challenges the decision made by the
15 Superintendent of Public Instruction for the State of
16 Montana on November 9, 1993, granting the peti-
17 tion to create the School District, and with the prior
18 approval of the Superintendent of Public Instruc-
19 tion—

20 (i) the Tribe shall have the right to request
21 the Secretary to void the patent in accordance
22 with subparagraph (C); and

23 (ii) if the Tribe makes such request and
24 meets the requirements of subparagraph (C),
25 the Tribe may enter into a lease with the

1 School District pursuant to the Act of August
2 9, 1995 (69 Stat. 539, chapter 615; (25 U.S.C.
3 415(a))—

4 (I) covering the lands described in
5 section 2(b);

6 (II) of a term of 25 years, with a
7 right to renew for an additional 25-year
8 period; and

9 (III) under which the lands described
10 in section 2(b) shall be leased rent free to
11 the School District for the exclusive pur-
12 pose of constructing and operating a public
13 high school and related facilities on such
14 lands.

15 (B) Any lease entered into pursuant to sub-
16 paragraph (A) shall, notwithstanding subparagraph
17 (A)(II), terminate upon the termination of the pe-
18 riod specified in paragraph (3) if, by such date,
19 classes have not commenced in a permanent public
20 high school facility established on the lands de-
21 scribed in section 2(b) conveyed to the School Dis-
22 trict, or if, during such period, such classes com-
23 mence at the facility, but the facility subsequently
24 permanently ceases operating as a public high
25 school.

1 (C) If the Tribe seeks and obtains approval of
2 the Superintendent of Public Instruction of the
3 State of Montana, the Tribe may enter into a lease,
4 if the lease is signed by the Tribe and approved by
5 the Secretary. Such lease shall comply with the re-
6 quirements of this paragraph. At such time as the
7 Tribe enters into a lease under this paragraph, the
8 Secretary shall void the patent, and, subject to the
9 leasehold interest offered to the School District, title
10 to the lands described in section 2(b), free and clear
11 of all liens and encumbrances, shall automatically re-
12 vert to the Secretary in trust for the Tribe.

13 (D) The Tribe may at any time irrevocably re-
14 linquish the right of the Tribe to enter into a lease
15 under this paragraph by resolution of the Northern
16 Cheyenne Tribal Council that explicitly provides for
17 the relinquishment of the right.

18 **SEC. 4. EFFECT OF ACCEPTANCE OF PATENT.**

19 Upon the acceptance by the School District of a pat-
20 ent issued by the Secretary under this Act, the School Dis-
21 trict, and any party who may subsequently acquire any
22 right, title, or interest in the lands described in section
23 2(b) by or through the School District, shall be subject

- 1 to the terms and conditions set forth in paragraphs (1)
- 2 through (4) of section 3.

