

Public Law 94-114
94th Congress

An Act

To declare that certain submarginal land of the United States shall be held in trust for certain Indian tribes and be made a part of the reservations of said Indians, and for other purposes.

Oct. 17, 1975

[S. 1327]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) except as hereinafter provided, all of the right, title, and interest of the United States of America in all of the land, and the improvements now thereon, that was acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now administered by the Secretary of the Interior for the use or benefit of the Indian tribes identified in section 2(a) of this Act, together with all minerals underlying any such land whether acquired pursuant to such Acts or otherwise owned by the United States, are hereby declared to be held by the United States in trust for each of said tribes, and (except in the case of the Cherokee Nation) shall be a part of the reservations heretofore established for each of said tribes.

Indians.
Certain tribes.
Lands in trust.
25 USC 459.
40 USC
401-411a note.
15 USC 724-728
note.

(b) The property conveyed by this Act shall be subject to the appropriation or disposition of any of the lands, or interests therein, within the Pine Ridge Indian Reservation, South Dakota, as authorized by the Act of August 8, 1968 (82 Stat. 663), and subject to a reservation in the United States of a right to prohibit or restrict improvements or structures on, and to continuously or intermittently inundate or otherwise use, lands in sections 25 and 26, township 48 north, range 3 west, at Odanah, Wisconsin, in connection with the Bad River flood control project as authorized by section 203 of the Act of July 3, 1958 (72 Stat. 297, 311): *Provided*, That this Act shall not convey the title to any part of the lands or any interest therein that prior to enactment of this Act have been included in the authorized water resources development projects in the Missouri River Basin as authorized by section 203 of the Act of July 3, 1958 (72 Stat. 297, 311), as amended and supplemented: *Provided further*, That such lands included in Missouri River Basin projects shall be treated as former trust lands are treated.

16 USC 441j.

25 USC 459a.

SEC. 2. (a) The lands, declared by section 1 of this Act to be held in trust by the United States for the benefit of the Indian tribes named in this section, are generally described as follows:

Tribe	Reservation	Submarginal land project donated to said tribe or group	Approximate acreage
1. Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin.	Bad River	Bad River LI-WI-8	13, 148. 81
2. Blackfeet Tribe	Blackfeet	Blackfeet LI-MT-9	9, 036. 73
3. Cherokee Nation of Oklahoma.		Delaware LI-OK-4	18, 749. 19
		Adair LI-OK-5	
4. Cheyenne River Sioux Tribe.	Cheyenne River	Cheyenne Indian LI-SD-13	3, 738. 47
5. Crow Creek Sioux Tribe	Crow Creek	Crow Creek LI-SD-10	19, 169. 89
6. Lower Brule Sioux Tribe	Lower Brule	Lower Brule LI-SD-10	13, 209. 22
7. Devils Lake Sioux Tribe	Fort Totten	Fort Totten LI-ND-11	1, 424. 45
8. Fort Belknap Indian Community.	Fort Belknap	Fort Belknap LI-MT-8	25, 530. 10
9. Assiniboine and Sioux Tribes	Fort Peck	Fort Peck LI-MT-6	85, 835. 52
10. Lac Courte Oreilles Band of Lake Superior Chippewa Indians.	Lac Courte Oreilles.	Lac Courte LI-WI-9	13, 184. 85
11. Keweenaw Bay Indian Community.	L'Anse	L'Anse LI-MI-8	4, 016. 49
12. Minnesota Chippewa Tribe	White Earth	Twin Lakes LI-MN-6	28, 544. 80
		Flat Lake LI-MN-15	
13. Navajo Tribe	Navajo	Gallup-Two Wells LI-NM-18	69, 947. 24
14. Oglala Sioux Tribe	Pine Ridge	Pine Ridge LI-SD-7	18, 064. 48
15. Rosebud Sioux Tribe	Rosebud	Cutmeat LI-SD-8	28, 734. 59
		Antelope LI-SD-9	
16. Shoshone-Bannock Tribes	Fort Hall	Fort Hall LI-ID-2	8, 711
17. Standing Rock Sioux Tribe	Standing Rock	Standing Rock LI-ND-10	10, 255. 5
		Standing Rock LI-SD-10	

Publication in Federal Register.

(b) The Secretary of the Interior shall cause to be published in the Federal Register the boundaries and descriptions of the lands conveyed by this Act. The acreages set out in the preceding subsection are estimates and shall not be construed as expanding or limiting the grant of the United States as defined in section 1 of this Act.

25 USC 459b.

SEC. 3. (a) All of the right, title, and interest of the United States in all the minerals including gas and oil underlying the submarginal lands declared to be held in trust for the Stockbridge Munsee Indian Community by the Act of October 9, 1972 (86 Stat. 795), are hereby declared to be held by the United States in trust for the Stockbridge Munsee Indian Community.

Repeal.

(b) Section 2 of said Act of October 9, 1972, is hereby repealed.

(c) Section 5 of the Act of October 13, 1972 (86 Stat. 806), relating to the Burns Indian Colony is amended by striking the words "conveyed by this Act" and inserting in lieu thereof the words "conveyed by section 2 of this Act".

25 USC 459c.

SEC. 4. (a) Nothing in this Act shall deprive any person of any existing valid right of possession, contract right, interest, or title he may have in the land involved, or of any existing right of access to public domain lands over and across the land involved, as determined by the Secretary of the Interior. All existing mineral leases, including oil and gas leases, which may have been issued or approved pursuant to section 5 of the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913, 915), or the Mineral Leasing Act of 1920 (41 Stat. 437), as amended prior to enactment of this Act, shall remain in force and effect in accordance with the provisions thereof. All applications for mineral leases, including oil and gas leases, pursuant to such Acts, pending on the date of enactment of this Act and covering any of the minerals conveyed by sections 1 and 3 of this Act shall be rejected and the advance rental payments returned to the applicants.

30 USC 354.

30 USC 181 note.

(b) Subject to the provisions of subsection (a) of this section, the property conveyed by this Act shall hereafter be administered in accordance with the laws and regulations applicable to property held in trust by the United States for Indian tribes, including but not limited to the Act of May 11, 1938 (52 Stat. 347), as amended.

25 USC 396a.

25 USC 459d.

SEC. 5. (a) Any and all gross receipts derived from, or which relate to, the property conveyed by this Act, the Act of July 20, 1956 (70 Stat. 581), the Act of August 2, 1956 (70 Stat. 941), the Act of October 9, 1972 (86 Stat. 795), and section 1 of the Act of October 13, 1972 (86 Stat. 806) which were received by the United States subsequent to its acquisition by the United States under the statutes cited in section 1 of this Act and prior to such conveyance, from whatever source and for whatever purpose, including but not limited to the receipts in the special fund of the Treasury as required by section 6 of the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913, 915), shall as of the date of enactment of this Act be deposited to the credit of the Indian tribe receiving such land and may be expended by the tribe for such beneficial programs as the tribal governing body may determine: *Provided*, That this section shall not apply to any such receipts received prior to enactment of this Act from the leasing of public domain minerals which were subject to the Mineral Leasing Act of 1920 (41 Stat. 437), as amended and supplemented.

25 USC 465 note.

30 USC 355.

30 USC 181 note.

(b) All gross receipts (including but not limited to bonuses, rents, and royalties) hereafter derived by the United States from any contract, permit or lease referred to in section 4 (a) of this Act, or otherwise, shall be administered in accordance with the laws and regulations applicable to receipts from property held in trust by the United States for Indian tribes.

SEC. 6. All property conveyed to tribes pursuant to this Act and all the receipts therefrom referred to in section 5 of this Act, shall be exempt from Federal, State, and local taxation so long as such property is held in trust by the United States. Any distribution of such receipts to tribal members shall neither be considered as income or resources of such members for purposes of any such taxation nor as income, resources, or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such member or his household would otherwise be entitled to under the Social Security Act or any other Federal or federally assisted program.

Tax exemption.

25 USC 459e.

42 USC 301 note.

Approved October 17, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-480 accompanying H.R. 5778 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 94-377 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Sept. 19, considered and passed Senate.

Oct. 6, considered and passed House, amended, in lieu of H.R. 5778.

Oct. 7, Senate concurred in House amendment.