

Public Law 99-469  
99th Congress

An Act

To provide for the settlement of certain claims of the Papago Tribe of Arizona arising from the construction of Tat Momolikot Dam, and for other purposes.

Oct. 14, 1986  
[H.R. 4217]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Tohono O'odham  
Tat Momolikot  
Dam Settlement  
Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Tohono O'odham Tat Momolikot Dam Settlement Act".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that—

(1) it is the policy of the United States to settle, wherever possible, the land claims of Indian tribes without costly and lengthy litigation;

(2) Tat Momolikot Dam was constructed in 1974 by the Corps of Engineers, Department of the Army, on lands belonging to the Tohono O'odham Indians to provide off-reservation flood protection to Pinal County, Arizona, and water conservation for the tribe;

(3) the O'odham agreed to grant appropriate rights to approximately five thousand three hundred and twenty-four acres of land for the Tat Momolikot project on condition that the United States provide certain water conservation, irrigation, fish and wildlife and other benefits to the tribe;

(4) the United States has failed to provide those benefits;

(5) as a result, the United States has failed to acquire appropriate rights to the lands required for the construction of the dam and its reservoir;

(6) the claims of the O'odham for damages for the use of tribal land by the United States without authorization by the tribe or compensation to it are the subject of prospective lawsuits against the United States;

(7) it is in the long-term interest of the United States and the Tohono O'odham Indians to provide a fair and equitable settlement of the claims of the O'odham for the injuries they have sustained;

(8) the settlement contained in this Act will—

(A) provide fair and equitable compensation and other valuable considerations to the Tohono O'odham Indians and the former residents of Tat Momoli village; and

(B) secure for the United States appropriate rights for Tat Momolikot Dam and its reservoir.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

25 USC 476.

(1) "tribe" means the Tohono O'odham Nation, formerly known as the Papago Tribe of Arizona, organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 478);

(2) "Secretary" means the Secretary of the Interior; unless otherwise specified; and

(3) "Tat Momolikot Dam" means the dam constructed by the Corps of Engineers, Department of the Army, on Santa Rosa Wash in the Sif Oidak District of the Sells Papago Reservation.

#### PAYMENTS TO TRIBE; LIMITS ON SECRETARY'S LIABILITY

SEC. 4. (a) If the tribe executes the waiver and release referred to in section 6(a)(1) and the grant of rights referred to in section 6(a)(2), the Secretary of the Treasury shall pay to the authorized governing body of the tribe the sum of \$6,000,000 for the benefit of the tribe, together with interest accruing on such sum from the date of enactment of this Act at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on Federal obligations of comparable maturity.

Securities.  
Community  
development.

(b) The tribe shall invest sums received under this section in interest bearing deposits and securities until expended. The authorized governing body of the tribe may spend the principal and interest and dividends accruing on such sums for economic and community development and other tribal purposes: *Provided*, That the sum of \$100,000 shall be distributed by the tribe, on a fair and equitable basis, among those six individuals who were heads of households residing at Tat Momoli village in 1969 and owned improvements at said village, or among their heirs. No portion of the funds received under subsection (a) shall be used for per capita payments.

(c) The Secretary shall not be responsible for the review, approval or audit of the moneys referred to in this section, nor shall the Secretary be subject to liability for any claim or cause of action arising from the Tribe's use and expenditure of such moneys.

#### AUTHORIZATION OF APPROPRIATIONS

Effective date.

SEC. 5. Effective October 1, 1987, there are authorized to be appropriated such sums as are necessary to carry out the purposes of section 4 of this Act.

#### WAIVER AND RELEASE OF CLAIMS

SEC. 6. (a) The Secretary shall be required to carry out his obligations under this Act only if, within one year after the date of enactment of this Act, the Papago Tribe executes—

(1) a waiver and release in a manner satisfactory to the Secretary of any and all claims arising from the use of tribal land in connection with the construction of Tat Momolikot Dam and its reservoir prior to the date of enactment of this Act; and

(2) a grant of appropriate rights for said dam and reservoir.

Effective date.

(b) The waiver and release referred to in subsection (a)(1) and the grant of appropriate rights referred to in subsection (a)(2) shall not take effect until such time as the funds authorized to be paid to the Tribe have been appropriated and the payments referred to in section 4 have been made.

## HAZARD REDUCTION

**SEC. 7.** Within two years after the date of enactment of this Act, the Secretary shall construct such fences and cattleguards in the immediate vicinity of Tat Momolikot Dam and its reservoir as may be necessary to protect livestock.

Animals.

## COMPLIANCE WITH BUDGET ACT

**SEC. 8.** No authority under this title to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this title which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1987.

Effective date.

Approved October 14, 1986.

LEGISLATIVE HISTORY—H.R. 4217:

HOUSE REPORTS: No. 99-852 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 132 (1986):

Sept. 23, considered and passed House.

Oct. 1, considered and passed Senate.