

1 (A) abridges the rights of any person with
2 respect to private property;

3 (B) affects the authority of the State or
4 local government with respect to private prop-
5 erty; or

6 (C) imposes any additional burden on any
7 property owner.

8 (i) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There is authorized to be
10 appropriated to carry out this section \$10,000,000,
11 of which not more than \$1,000,000 shall be made
12 available for any fiscal year.

13 (2) NON-FEDERAL SHARE.—The non-Federal
14 share of the cost of any activities carried out using
15 Federal funds made available under subsection (a)
16 shall be not less than 50 percent.

17 (j) TERMINATION OF AUTHORITY.—The authority of
18 the Secretary to provide assistance under this section ter-
19 minates on the date that is 15 years after the date of en-
20 actment of this section.

21 EXPEDITED PROCEDURES FOR INDIAN TRUST

22 ACCOUNTING

23 SEC. 137. (a) IN GENERAL.—Notwithstanding any
24 other provision of law, any claim against the United States
25 arising out of any obligation of the United States or any
26 of its agencies or officials relating to the conduct of an

1 accounting, or the balance of, any individual Indian money
2 account arising prior to December 31, 2000 shall be gov-
3 erned by the provisions of this section.

4 (b) STATISTICAL SAMPLING.—Not later than one
5 year following the date of enactment of this Act, the Sec-
6 retary shall formulate a statistical sampling evaluation to
7 assess the administration of individual Indian money ac-
8 counts for those accounts that were open as of December
9 31, 2000, and all individual Indian money accounts that
10 were open as of October 25, 1994, or opened thereafter
11 but closed as of December 31, 2000. The statistical sam-
12 pling evaluation described in this subsection shall be con-
13 ducted in a manner the Secretary deems feasible and ap-
14 propriate given the availability of records, data, and other
15 historic information, and shall estimate, so as to achieve
16 a ninety-eight percent confidence level, the rate of past
17 accounting error, if any, for each group or categories of
18 individual Indian money accounts. The Secretary shall
19 complete a statistical sampling evaluation covering all sub-
20 ject accounts within four years of the date of enactment
21 of this Act.

22 (c) CERTIFICATION.—Upon completion of a statis-
23 tical sampling evaluation for a category or group of indi-
24 vidual Indian money accounts, the Secretary shall certify

1 completion of the evaluation and publish such certification
2 in the Federal Register.

3 (d) ADJUSTMENT OF ACCOUNTS.—

4 (1) Within 180 days following any certification
5 under subsection (c), the Secretary shall adjust any
6 individual Indian money accounts covered by that
7 certification. The Secretary shall base such adjust-
8 ment on application of the error rate, if any, deter-
9 mined by the statistical sampling to the average
10 transaction amount for transactions in an account.
11 In addition, the Secretary may also consider any fac-
12 tual information regarding the particular account at
13 issue in adjusting the account.

14 (2) Amounts necessary for adjustments to indi-
15 vidual Indian money accounts shall be derived from
16 the claims and judgment appropriation provided by
17 31 U.S.C. 1304 in the same manner as payment of
18 judgments received by the Court of Federal Claims
19 under 28 U.S.C. 2414.

20 (e) NO DOWNWARD ADJUSTMENT.—The Secretary
21 may consider both positive and negative errors in esti-
22 mating a rate of past accounting error, but in no event
23 shall the Secretary adjust the balance of an account down-
24 ward under this Act. In the event that the Secretary deter-
25 mines that the rate of past accounting error for an ac-

1 count is zero or negative, the Secretary shall make an ad-
2 justment of zero to that account. Such a zero adjustment
3 shall constitute an “adjustment” as defined in this section.

4 (f) JUDICIAL REVIEW.—

5 (1) Notwithstanding any other provision of law,
6 judicial review of, or judicial relief with respect to,
7 any action of the United States or any of its agen-
8 cies or officials in carrying out the provisions of this
9 section shall be made solely in accordance with this
10 subsection.

11 (2) Judicial review of any agency action related
12 to an individual Indian money account performed
13 pursuant to this section may be had only by the fil-
14 ing of a petition for review in the United States
15 Court of Appeals for the District of Columbia no
16 later than 60 days after the Secretary’s adjustment
17 of an account. Such review shall be conducted in ac-
18 cordance with chapter 7 of part I of title 5, United
19 States Code (5 U.S.C. 701, et seq.).

20 (3) Except to the extent, if any, that review
21 may be required by the Constitution of the United
22 States, no court shall have jurisdiction to review,
23 grant, or enforce any relief with respect to any ac-
24 tion of the United States or any of its agencies or
25 officials in carrying out any obligation described in

1 subsection (a) other than pursuant to paragraph (2).

2 The provisions of this paragraph shall apply to any
3 litigation filed before, on, or after the date of enact-
4 ment of this section.

5 (g) ACCOUNT BALANCES.—The balance of any ac-
6 count as determined under this Act, including judicial re-
7 view in accordance with subsection (f), shall conclusively
8 constitute the new balance of the account as of December
9 31, 2000, and shall not be subject to any further adjust-
10 ment based upon events or occurrences prior to that date.

11 (h) VOLUNTARY SETTLEMENT OF CLAIMS.—Prior to
12 commencing the statistical evaluation provided in sub-
13 section (b), the Secretary may, at the Secretary's discre-
14 tion, resolve any claim or group of claims described in sub-
15 section (a) through voluntary settlement with any holder
16 or holders of individual Indian money accounts. Such vol-
17 untary settlement shall be paid from the claims and judg-
18 ment appropriation as provided in subsection (d) and shall
19 conclusively resolve claims under subsection (a). The hold-
20 er of the account who settles shall not be entitled to any
21 further adjustment under this section.

22 (i) REGULATIONS.—The Secretary may adopt such
23 regulations, as the Secretary deems necessary to imple-
24 ment this section.

1 (j) REPORT TO CONGRESS.—The Secretary shall re-
2 port to the House and Senate Committees on Appropria-
3 tions, the House Committee on Resources, and the Senate
4 Committee on Indian Affairs regarding the progress of
5 statistical sampling evaluations at least once every cal-
6 endar year until the Secretary has adjusted all accounts
7 covered by this Act.

8 (k) DEFINITIONS.—As used in this Act:

9 (1) The term “statistical sampling evaluation”
10 means an analysis of a selected statistically appro-
11 priate sample drawn from a group or groups of
12 transactions or other data.

13 (2) The term “individual Indian money ac-
14 counts” means account balances for funds held in
15 trust by the United States for the benefit of an indi-
16 vidual Indian which are deposited or invested pursu-
17 ant to the Act of June 24, 1938 (25 U.S.C. 162a),
18 but shall not include accounts classified by the Sec-
19 retary as Special Deposit, Judgment, or Per Capita
20 accounts.

21 (3) The term “adjust” means to revise the bal-
22 ance of the account pursuant to this Act.

23 (4) The term “Secretary” means the Secretary
24 of the Interior.