

A Complete Text of the Bradley Bill

Editor's note: The following is the complete text of the Sioux Nation Black Hills Act, which was introduced in the U.S. Senate by Sen. Bill Bradley, D-N-J. The bill would have returned an estimated 1.3 million acres of federal land, most of it in the Black Hills, to the Sioux Tribes. Because of the inability of the different factions within the tribes of the Sioux Nation to unite behind it, the Bill died a quiet death. Senator Bradley said, "When there is a semblance of unity between the different factions of the Sioux people, perhaps another Bill can be introduced."

A BILL

To reaffirm the boundaries of the Great Sioux Reservation; to convey federally held lands in the Black Hills; to provide for the economic development, resource protection and self-determination of the Sioux Nation; to remove barriers to the free exercise of traditional Indian religion in the Black Hills; to preserve the sacred Black Hills from desecration; to establish a wildlife sanctuary, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled. That this Act may be cited as the "Sioux Nation Black Hills Act."

Sec.2 Findings

The Congress finds that:

- (1) The Black Hills are the sacred center of aboriginal territory of the Sioux Nation and as such hold deep religious significance for the Sioux Nation, and
- (2) Such lands are Sioux Treaty Territory, as affirmed by the Treaties of Sept. 15, 1851, (11 Stat.749), and April 29, 1868, (15 Stat. 633);
- (3) The Sioux Nations views the Black Hills as Inalienable and have never voluntarily surrendered or ceded the Black Hills, and have resolved not to accept the money in exchange for extinguishment of title to such lands or of the right to practice traditional religion in the Black Hills area;
- (4) The United State Supreme Court affirmed the findings of the Court of Claims, citing its conclusion that "(a) more ripe and rank case of dishonorable dealing will never, in all probability, be found in our history" and further noting the Court of Claims' language regarding the duplicity of President Grant "in breaching the government's treaty obligations to keep trespassers out of the Black Hills, and the pattern of duress practiced by the government of the starving Sioux to get them to agree to the sale of the Black Hills"
- (5) The Sioux Nation has never been accorded a forum within which to seek the return of the lands and, while the United States Supreme Court upheld the ruling of the Court of Claims that the Act of Feb. 28, 1877, (19 Stat.254) , was unconstitutional for failure to pay "just compensation," the constitutionality of the Black Hills taking has not been fully adjudicated because Congress has not provided a court with the jurisdiction to provide for the return of land as a remedy for an "unconstitutional taking," nor has the question of whether the Black Hills taking was for "public purpose" had a forum within which to be addressed:
- (6) The lawsuit brought by the Oglala Band of the Sioux Nation against the United States to quiet title to federal lands in the Black Hills, and for damages, was dismissed for want of jurisdiction, Oglala Sioux Tribe if the Pine Ridge Indian Reservation v, United States, 650 f.2d 140 (8th cir.1981), cert denied, 455 U.S. 907;
- (7) Other bands of the Sioux Nation used the United States in the Indian Claims Commission, under the act of March 13, 1978, (92 Stat. 153), and obtained a judgment of \$17.1 million for the value of the land taken by the act of Feb,29, 1877, (19 Stat.254), for rights of way, \$450,000 for damages resulting from gold removed prior to the act, plus 5 percent simple interest but not for the value of the gold, totaling \$105,994,430.52 which was appropriated on July 18, 1980;

- (8) Neither the act of March 13, 1978, (92.Stat 135) nor such judgment provide for the return of land in the Black Hills;
- (9) The Sioux Nation has resolved to reject the monetary award and will not accept money in exchange for extinguishment of title to such lands;
- (10) The Black Hills have deep religious significance to the Sioux people and the Sioux people refuse to also accept monetary compensation in exchange for the First Amendment rights to freely practice their religion in the Black Hills’
- (11) The different bands of the Sioux Nation have pressed its claim to the Black Hills vigorously and continuously for more than 100 years;
- (12) Notwithstanding the value of \$17.1 million established by the Court of Claims as the value of the Black Hills at the time of taking, the loss to the Sioux must be measured in terms of the adjusted value of the resources extracted from the Black Hills which exceeds \$18 million for the 36 million ounces of gold extracted by the Homestake Mine alone through 1980;
- (13) The executive branch of the United States has established a record of negotiation with the Sioux Nation of effect a resolution of the Sioux Nation’s consistent efforts to recover land in the Black Hills;
- (14) The Congress has in the recent past resolved complex American Indian land title and religious issues by conveying title, as well as other forms of compensation, without restricting such resolution to monetary damages; and
- (15) It will further the interests of the United States to enter into a just and honorable Sioux Nation Black Hills lands settlement, recognizing and reaffirming its domestic and international commitments to Sioux Nation self determination, economic security, religious freedom, and acknowledging the traditional and historical belief of the Sioux in the sacred character of the Earth and in the Black Hills in particular, as well as their rights to freely exercise such beliefs.

Sec.3.Definitions

For purposes of this act:

- (1) The term “federal lands” means lands held in fee simple by the United States that are not held in fee simple by the United States that are not held in trust or for the benefit of any other. Such term includes national forests, national parks, Bureau of Land Management, and other lands administered by the Department of Agriculture and the Department of the Interior.
- (2) The term “lands,” whether federal or private, includes water rights appurtenant to land, as well as sub-surface mineral rights, mineral patents, and mining claims.
- (3) The term “private lands” means lands held in fee simple by the State of South Dakota, its political subdivisions and municipalities, or by any person other than the United States and its instrumentalities.
- (4) The term “secretary” means the secretary of the Interior.
- (5) The term “Sioux” or ‘Sioux Nation” means those sovereign and independent bands of the Sioux Nation who separately entered in the multilateral Treaty of April 29, 1868, (15 Stat.635), with their chiefs and headmen acting as ministers, and shall further mean the Lakota, Dakota and Nakota bands who were members of the alliance referred to as the Seven Council Fires.
- (6) The term “tribes” means the federally recognized or organized tribes who are successors in interest to the sovereign bands of the Great Sioux Nation. to wit: Cheyenne River Sioux Nation, Crow Creek Sioux Tribe, Lower Brule Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, Santee Sioux Tribe of Nebraska, and he Sioux Tribe of the Fort Peck Reservation.
- (7) The term “sub-surface mineral estates” means the sub-surface mineral rights retained by the United States on those lands in which surface rights have been conveyed to private parties by the United States patent.
- (8) The term “re-established area” means the land declared to be a reservation for the Sioux Nation under Section 4.
- (9) The term “secretaries” means the secretary of the Interior and secretary of Agriculture.

Sec.4. Re-established Area:

Except to the extent otherwise provided in this act the land within the following described boundaries which was a portion bounded and confirmed by the Treaty of April 29, 1868, (15 Stat.635), and which was subsequently excluded from such reservation by the act of Feb.28, 1877, is hereby declared to be a reservation for the Sioux Nation: The western boundary of the land commences at the intersection of the northern boundary of the State of Nebraska with the western boundary of the State of South Dakota;

thence north on the western boundary of the State of South Dakota to a point where it intercepts the southern boundary of the State of North Dakota; thence east along said boundary to point where the one hundred third degree of longitude west from Greenwich intercepts the same; thence due south on the said meridian to its intersections with the east bank of the North Fork of the Cheyenne River: thence down the east bank of said stream to its junction with the South Fork of said Cheyenne River; thence up the east bank of the South Fork of said Cheyenne River to its intersection with the said one hundred and third meridian; thence due south along said meridian to the intersection with the northern boundary of the State of Nebraska; thence West on such northern boundary of the State of Nebraska to the place of beginning.

Sec.5. Re-conveyance of Lands

(a) (1) The Secretary of the Interior shall identify and inventory –

(A) All private lands within the established area.

(B) and Federal lands within the re-established area that are in current use by the United States for military purposes, courthouses, office buildings, post offices, hospitals, warehouses, or cemeteries.

(C) All other federal lands within this re-established area.

(D) All federal sub-surface mineral estates within the re-established area,

(E) all federal reserved water rights and water rights acquired by the federal government under South Dakota state law, that are appurtenant to lands within the re-established area, and

(F) all valid rights, reservations, easements, leases, permits, agreements, contracts, (including water supply contracts), and memoranda of understanding affecting the lands and water rights described in subparagraphs (D) and (E). The inventory of federally owned water rights shall indicate the location, amount, and priority date of all such rights.

(2) By no later than the date that is 1 year after the date of enactment of this act; the secretary shall publish in the Federal Register the inventory compiled under paragraph (1).

(3) During the 60-day period beginning on the date on which the inventory is published under paragraph (2), the secretary shall accept comments on such inventory from the Sioux Nation and any other interested party. The secretary shall investigate any allegation of error or omission in such inventory.

(4) By no later than the date that is 150 days after the date on which the inventory is published under paragraph (2), the secretary shall publish any changes in the initial inventory which are necessary to correct errors and omissions or a revised inventory which is free of errors or omissions.

(b) (1) Except to the extent otherwise provided in this act, the head of each federal agency having jurisdiction over any federal land within the re-established area, any water rights appurtenant to such federal land or any sub-surface mineral estate within the re-established area shall by no later than the date that is 210 days after the date on which the inventory is published under subsection (a) (2) convey all of such federal lands, mineral estates, and water rights to the Sioux Nation in fee simple, without warranties of any kind.

(2) In any conveyance made under paragraph (1), the head of the federal agency may reserve to the United States an easement which allows the United States to use any land which is identified under subsection (a) (1) (B) for any purpose described in subsection (a) (1) (B) for so long as such use is continuous from the date of such conveyance.

(3) No conveyance made under paragraph (1) shall affect any rights, reservations, easements, leases, permits, agreements, and contracts that exist under the public land laws on the day before such conveyance so long as they remain valid in accordance with the terms of such public land laws.

(4) (A) The Mount Rushmore National Memorial shall not be conveyed under paragraph (1).

(B) The Sioux Nation all is given first preference in bidding for the operation of the concessions at the Mount Rushmore Memorial.

Sec.6. Water Right

(a) All waters –

(1) Which are:

(A) Within

(B) Flowing through, or

(C) Arising on,

The re-established area,

(2) To which there is no valid, outstanding appropriation under South Dakota State Law,

- (3) Which would be deemed abandoned pursuant to South Dakota law, on the day before the date of enactment of the act, and
- (4) which are not reserved by the United States under section 5(b)(2), shall, on the date that is 210 days after the date on which the inventory is published under section 5(a) (2), become the property of the Sioux Nation and the Sioux Nation shall determine the use and allocation of such waters.
- (b) Any water rights transferred to the Sioux Nation under section 5(b) (1) –
- (1) Shall retain the same quantity and date of priority that such rights would have if the federal government continued to own such rights.
- (2) Shall not be limited to the uses for which they were reserved by the federal government, and,
- (3) May be used or allocated to any purpose within or without the boundaries of the re-established area as the Sioux Nation may choose.
- (C) All water rights (other than water rights acquired from the federal government) which may be transferred to or acquired by the Sioux Nation pursuant to this act –
- (1) Shall be in the same quantities and with the same dates of priority as such right would have if such right,
- (2) Shall not be subject to abandonment pursuant to South Dakota law,
- (3) Shall be treated as permanent present perfect rights under federal law, and
- (4) Shall be subject to such use and allocation as the Sioux Nation may determine.
- (d) All waters within, flowing through, or arising on the re-established area shall be subject to the sole and exclusive jurisdiction of the Sioux Nation to regulate the use and allocation of such waters.

Sec. 7. Exemption from Taxation and Condemnation

All lands within the re-established area shall be exempt from taxation by the United States or any state or subdivision of a state, and from acquisition for public purposes without the consent of the Sioux Nation

Sec. 8. Status of Private Land

- (a) privately held land within the re-established area shall not be disturbed, and may be held or used or occupied for the same purposes as prior to this act, subject however, to Section 10, 11, 12, 13, and 14 of this act; provided however, that the Sioux Nation may purchase such lands and may also receive title to such lands by devise, gift, exchange, or other transfer. And private lands purchased or otherwise acquired by the Sioux Nation within the re-established area shall be held and used by the Sioux Nation in the same manner and status as federal lands conveyed under section 5(b).
- (b) The Sioux Nation shall have a right of first refusal to purchase privately held lands within the area described in section 11(b) and (c)

Sec. 9. Exchange of Lands

- (a) for the purpose of consolidating the land holdings of the Sioux Nation within the re-established area, the secretaries are hereby authorized and directed to acquire, by purchase or exchange, all state school lands held by any state within the re-established area, and all interests therein, including improvements, mineral rights whether or not they have been separated from the surface estate, and water rights.
- (b) The secretaries shall immediately and diligently undertake to acquire, by exchange, those lands held by the State of South Dakota at Bear Butte.
- (c) In exercising the authority to acquire the above described lands by exchange, the secretaries are authorized to utilize unappropriated public domain lands outside the re-established area, but within the respective affected states. The property so exchanged shall be of approximately equal value, except the secretaries may pay cash to the affected state to equalize the values of the properties exchanged. Any lands so acquired by exchange shall be immediately conveyed to the Sioux Nation to be held in the same manner and status of federal lands conveyed under section 5(b) of this act.

Sec. 10. Compensation

- (a) funds appropriated on July 18, 1980, in accordance with the act of March 13, 1978, (92 Stat. 153), and the interest earned from such funds through the date of enactment of this act shall be paid to the Sioux Nation in compensation for the loss of the use of its lands from 1877 to the effective date of this act and not for extinguishment of title of such lands. These funds shall constitute the principal of a fund to be known as "Permanent Investment Fund" which shall be managed by the Sioux Nation and invested in interest bearing accounts at financial institutions of the Sioux Nation's choice for the benefit of the Sioux Nation and future generation of its people. The principal of the Permanent Investment Fund may never be

distributed. Interest and income derived from the Permanent Investment Fund shall be distributed annually as follows:

(1) 10 percent of such interest and income shall be invested in a separate fund to be known as the "Permanent Compounding Fund" from which –

(A) During the 25 –year period beginning on the date of enactment of this act, no distributions may be made, and

(B) After the close of such 25-year period, distributions shall be made to the Permanent Investment Fund from time to time in order to offset any reduction in the value of the Permanent Investment Fund caused by inflation.

(2) 10 percent of such interest and income shall be paid to the Sioux National Council to be used for governmental and public purposes:

(3) 10 percent of such interest and income shall be invested in a separate fund to be known as "Business Development and Investment Fund" from which distributions of income and interest derived from the Business Development Investment Fund shall be made from time to time to the Permanent Investment Fund in order to insure the growth of the Permanent Investment Fund or to offset any reduction in the value of the Permanent investment caused by inflation; and

(4) The remaining 70 percent of such interest and income shall be distributed to the different tribes of the Sioux Nation based on those percentages of ownership established by the secretary of the Interior in the "Results of Research Report in Docket 74B" (Black Hills Claim)

(b) To further compensated the Sioux Nation and in order to insure that the Sioux Park and the Black Hills Sioux Forest remain accessible to the general public, the United States shall provide the annually appropriated funds to the Sioux Nation for the operation and maintenance of such lands which shall not be less than 95 percent of the total amount of funds that were appropriated for the administration, appropriate d for the administration, operation, and maintenance of the federal lands conveyed by this act to the Sioux Nation for the fiscal year preceding the fiscal year in which this act is enacted.

Sec.11, Sioux Park

(a) All lands in the re-established area except as provided in section 6 which were held under the jurisdiction of the National Park Service prior to the promulgation of this act and such other lands in the re-established area as we identified by agreement of the secretaries and the Sioux Nation within five years of the effective date of this act, and their legal description published in the Federal Register shall thereafter be known as the Sioux Park, and shall remain equally accessible to all persons, both Sioux and non-Sioux, under such rules and regulations as the Sioux may from time to time establish and publish.

(b) Notwithstanding the foregoing, such lands within the Sioux Park which are tradition religious or ceremonial sites shall be identified by the Sioux and shall be excluded from public access to the extent necessary to preserve their primary religious uses and integrity. Such sites which have their individual names shall be designated by the generic name "Tatanka TaCante" / "The Heart of the Buffalo."

(c) Notwithstanding the foregoing, any lands within the Sioux Park that are designated by the Sioux as a wildlife and wilderness sanctuary for living things which have a special sacred relationship to the Sioux may be excluded from public access to the extent necessary to provide sanctuary. Such sanctuaries shall be designated by their tradition names and shall be designated by the generic name "Wamake Og'naka Onakizin" / The Sanctuary of Everything that is."

(d) Notwithstanding the foregoing, such lands that were held under the jurisdiction of the Forest Service prior to promulgation of this act and were designated as the Norbeck Wildlife Preserve, the Black Elk Wilderness Area, the Pine Creek Natural Area, and other such restricted use lands shall be come of the Sioux Park.

(e) All lands in the Sioux Park shall remain in the state of use or development to which these lands were committed on the effective date of this act.

(f) For a transition of five years, the National Park Service and the Sioux Nation will jointly manage the Sioux Park subject to such rules and regulations as the Sioux Nation may from time to time establish and subject to a Management Agreement to be negotiated between the National Park Service and the Sioux Nation.

(g) Notwithstanding any other law, the Sioux Nation shall qualify as an Indian tribe for purposes of the Provisions of Section 105 of the act of Jan.4, 1975 (88 Stat. 2209)

Sec.12. Black Hills Sioux Forest

(a) Lands acquired by the Sioux Nation under this act which are not included in the Sioux National Park and were under the jurisdiction of the United States Forest Service prior to the effective date of this shall be designated as the Black Hills Sioux Forest. Such lands may be used by the Sioux Nation in accordance with the traditional principle of “respect for the earth” except that for a transition period of five years the Forest Service and the Sioux Nation will jointly manage the Black Hills Sioux Forest subject to such rules and regulations as the Sioux Nation may from time to time establish and subject to a Management Agreement to be negotiated between the Forest Service and the Sioux Nation. Any authorizations or regulations for land use within the area designated as the Black Hills Sioux Forest which are in conflict with the principle of “respect for the earth” shall be identified within one of the effective date of this act by the Sioux Nation and notice withdrawal of such authorizations and regulations shall be published for a period of 30 days, after which any such use shall cease, except for those uses provided for in section 5(b) (3), i.e., “all existing valid rights, reservations, easements, leases, permits, agreements, and contracts under the public law shall continue in full force and effect so long as they remain valid in accordance with the terms thereof.”

(b) Notwithstanding any other law, the Sioux Nation shall qualify as an Indian tribe for purposes of the provisions of section 105 of the act of Jan.4, 1975, (88 Stat. 2209).

(c) Rents, royalties, fees, and any income realized from the use of lands in the Black Hills Forest, including taxes, shall be applied exclusively to the administration, governance, up-keep and improvement of the forest and park and the welfare of its residents and users, and shall include the administration of the Sioux Nation Council and its governmental functions. Notwithstanding the above, any income above the funds necessary for administration and governance of the re-established area shall be equitably distributed among the different tribes of the Sioux Nation through their respective governments and such revenue shall be spent solely for public purposes, such as public administration and the health, education and general welfare of their members.

(d) Lands acquired by the Sioux Nation under this act which were held by the Bureau of Land Management, or were designated as national grasslands and were managed by the Forest Service, shall be treated in the same manner as described above in section 12(a), (b), and (c).

Sec.13. The Sioux National Council

(a) For the purpose of managing and governing the re-established area, there is hereby recognized and acknowledged a Sioux National Council (“National Council”). The National Council shall be composed of such members, selected in such manner and shall exercise such powers of governance and land management as may be delegate to it in a constitution approved by at least three-quarters of the Adult members of the respective tribes of the Sioux Nation. The constitution shall be presented to the members for approval within three years of the enactment of this act. The constitution of the National Council shall absolutely prohibit the sale or disposal of any lands or water rights acquired under this act and such lands shall not be sold or disposed of except in accordance with Article 12 of the treaty of April 29, 1868.

(b) There is hereby recognized and acknowledged such court or courts as the Constitution of the National Council may provide, which shall have original and exclusive jurisdiction to review the lawfulness of actions taken by the National Council.

Sec. 14, Interim Management Board

For the purpose of managing and governing the re-established area

Until such time as the National Council is selected in accordance with the provisions of such Constitution, as set forth in section 13(a), each tribe shall appoint two representatives to an Interim Management Board, one of which shall be appointed by the respective tribal Government, the second of which may be appointed by such Treaty Council as is designated by the respective tribal government.

Sec.15. Joint Powers Agreements

(a) Nothing in this act shall prevent the Sioux Nation from entering into contracts and agreements with any state, political subdivision of any state, or private person, corporation or foundation to fulfill any purpose of this act or obligation of the Sioux Nation arising under this act.

Sec.16. Existing Access; Mineral Leases; Grazing Permits, Timber Leases, Permits, Contracts.

(a) Nothing in this act shall deprive any person or government of any valid existing right of use or possession, or any contract right, which that person or government may have in any lands or conveyed to the Sioux Nation, or of any existing right of access over and across such lands in accordance with the provisions of such contracts or

(b) all existing mineral leases involving lands reconveyed under this act, including oil and gas, which were issued or approved pursuant to federal law prior to the enactment of this act, shall remain in full force and effect in accordance with the provisions thereof. Notwithstanding any other provisions of law, applications for mineral leases under federal law involving such lands, including oil and gas leases, pending on the date of enactment of this shall be rejected and advanced rental payments returned to the applicants.

(c) Persons holding grazing permits from an agency of the United States as of the date of this act involving lands reconveyed hereunder shall continue exercising such grazing rights, subject to all otherwise applicable terms, except that no grazing fees shall be payable by the existing permittee for a term not to exceed two years of the balance of such existing permit, whichever is less. Such grazing permit shall be administered by the Sioux National Council in accordance with all otherwise applicable federal rules and regulations. Such grazing rights may be canceled by the National Council in accordance with such regulations for failure to meet the terms and conditions of the existing permits, or failure to abide by applicable rules and regulations. Such grazing rights shall be non-transferable; except that they may be relinquished by the permittee to the Sioux Nation at any time thereafter all grazing permits shall be issued under the laws of the Sioux Nation.

(d) Persons holding timber leases, permits or contract from an agency of the United States as of the date of this act involving lands reconveyed hereunder, shall have the right to continue exercising such rights as may be granted pursuant to such leases, permits, or contracts, subject to all otherwise applicable terms, conditions and federal rules and regulations governing such timber rights, until such rights would normally expire; provided that the Sioux Nation Council may obtain the relinquishment of any such leases, permits or contracts from the leasees or permittees under such terms and conditions as may be mutually agreeable. Such timber rights shall be administered by the Sioux National Council in accordance with all otherwise applicable federal rules and regulations. Such timber rights may be canceled by the Sioux National Council in accordance with such applicable regulations. Such existing timber rights shall be non-transferrable except that they may be relinquished by the permittee or acquired by the Sioux Nation at any time.

(e) From the date of enactment of this act, 75 percent of all fees derived from timber permits, leases, permits or contracts affected by this section 12(c) of this act. Twenty-five percent of all fees from timber permits, leases or contracts affected by this action shall be paid to the state county governments within which the lands from which the fees are derived are located for a period of five years from the date of enactment of the act without restriction. Thereafter, 25 percent of such fees shall continue to be paid to such counties for such public expenditures as the Sioux Nation and county may agree pursuant to joint powers agreements entered into for periods not exceeding 10 years.

Sec. 17 Hunting and Fishing

The Sioux Nation shall have exclusive jurisdiction to regulate hunting and fishing on all lands, lakes and streams conveyed to it within the re-established area.

Sec. 18 Individual Settlement in The Re-Establishment Area.

Members of the tribes constituting the Sioux Nation Shall be eligible to received 25 year family use permits to an area not to exceed two and one-half acres per head of household and shall be allowed to settle and construct homes and other improvements on Sioux Nation lands within the re-established area in accordance with a comprehensive land use plan developed by the Sioux Nation Council covering all lands within the re-established area. Such plan shall insure the proper management and use of lands reconveyed pursuant to this act consistent with the Lakota principle of “respect for the earth,” resource conservation and accepted resource management practices.

Sec. 19 Effect on Subsisting Treaties

All treaties formerly entered into between the United States and the Sioux Nation, to the extent not inconsistent with the act, are continued in full force and effect, and any other claims which the Sioux Nation or its bands may have against the United States are neither extinguished nor prejudiced. All rights and exemptions, both political or territorial, which are not expressly delegated to the federal or state governments by this act or any prior treaty or agreement is hereby reserved to the Sioux Nation and any bands thereof.

Sec.20 Inconsistent Laws

The provisions of the Sioux Nation Black Hills Act supersede all laws of the United States which are inconsistent with the act, including laws generally applicable to "Indians."

Sec. 21 Jurisdiction

(a) Article 1 of the treaty of April 29, 1868, shall continue in full force and effect, to the extent that the Sioux Nation, upon sufficient

proof made by the United States attorney to a justice of the appropriate Sioux Nation Court at a hearing convened for that purpose, shall deliver to the United States for trial and punishment any non-Indian who commits a crime under 18 U.S.C. 1153.

(b) Notwithstanding the foregoing, the Sioux Nation may reassume Unrestricted criminal jurisdiction over non-Indians at such time as the Sioux Nation and Congress may agree.

(c) All persons within the jurisdiction of the Sioux Nation may bring an action in the tribal courts of the Sioux Nation and all persons residing within the re-established area shall have the right to petition and address the National Council.

Sec.22. Extinguishment of Claims

(a) all claims of the Sioux Nation and of any successor-in-interest of the parties to the Treaty of April 29, 1868, (15 S