

1. *Abandoned Mine land Reclamation Program.* This program to restore eligible lands mined and abandoned or left inadequately restored is available to Indian tribes.

2. *Control of the Environmental Impacts of Surface Coal Mining.* This program includes analyses, NEPA documentation, technical reviews, and studies. Where surface coal mining exists on Indian land, certain regulatory activities that are not inherently Federal, including, for example, designation of areas unsuitable for mining, are available to Indian tribes.

For questions regarding self-governance contact Maria Mitchell, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., (MS-210-SIB), Washington, DC 20240, telephone (202) 208-2865, fax (202) 291-3111.

G. Eligible Programs of the U.S. Geological Survey (USGS)

The mission of the U.S. Geological Survey is to provide information on biology, geology, hydrology, and cartography that contributes to the wise management of the nation's natural resources and to the health, safety, and well-being of the American people. Information includes maps, data bases, and descriptions and analyses of the water, plants, animals, energy, and mineral resources, land surface, underlying geologic structure and dynamic processes of the earth. Information on these scientific issues is developed through extensive research, field studies, and comprehensive data collection to: Evaluate natural hazards such as earthquakes, volcanoes, landslides, floods, droughts, subsidence and other ground failures; assess energy, mineral, and water resources in terms of their quality, quantity, and availability; evaluate the habitats of animals and plants; and produce geographic, cartographic, and remotely-sensed information in digital and non-digital formats. No USGS programs are specifically available to American Indians or Alaska Natives. Components of programs may have a special geographic, cultural, or historical connection with a tribe.

1. *Mineral, Environmental, and Energy Assessments.* Components of this program that involve geologic research, data acquisition, and predictive modeling may be available for inclusion in an annual funding agreement.

2. *USGS Earthquake Hazards Reduction Programs.* Components of this program that involves research, data acquisition, and modeling related to earthquakes and seismically active areas

may be available for inclusion in an annual funding agreement.

3. *Water Resources Data Collection and Investigations.* Components of this program may be available for inclusion in an annual funding agreement if a self-governance tribe demonstrates a special geographic, cultural, or historical connection.

4. *Biological Resources Inventory, Monitoring, Research and Information Transfer Activities.* Components of this program may be available for inclusion in an annual funding agreement if a self-governance tribe demonstrates a special geographic, cultural or historical connection.

For questions regarding self-governance contact Sue Marcus, American Indian/Alaska Native Liaison, U.S. Geological Survey, 105 National Center, Reston, VA 20192, telephone (703) 648-4437, fax (703) 648-5068.

IV. Programmatic Targets

Each of the non-BIA bureaus will successfully negotiate at least one annual funding agreement with a self-governance tribe for implementation in Fiscal Year 1998.

Dated: April 23, 1997.

Juliette Falkner,

Special Assistant to the Secretary.

[FR Doc. 97-10940 Filed 4-28-97; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

The Iowa Tribe of Oklahoma Liquor Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 USC § 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 US 713 (1983). I certify that the Iowa Tribe of Oklahoma Liquor Ordinance was duly adopted by Ordinance Iowa No. 93-02 of the Iowa Tribe of Oklahoma on June 5, 1993. The ordinance provides for the regulation, sale, possession and use of alcoholic liquor and beer within the Tribe's jurisdiction.

DATES: Notwithstanding the provisions of Section 28, this ordinance is effective as of June 29, 1997.

FOR FURTHER INFORMATION CONTACT: Jerry Cordova, Office of Tribal Services, 1849 C Street, NW, MS 4641 MIB, Washington, DC 20240-4001; telephone (202) 208-4401.

SUPPLEMENTARY INFORMATION: The Iowa Tribe of Oklahoma Liquor Ordinance is to read as follows:

Iowa Tribe of Oklahoma

Liquor Act of 1989

Be it Enacted by the Iowa Tribe of Oklahoma:

Repealed Law: The Iowa Tribe of Oklahoma Liquor Act, adopted by I-89-47, August 22, 1989, repealed by I-90-19, January 3, 1990.

Section 1. Title and Purpose

This Act shall be known as the Iowa Tribe of Oklahoma Liquor Act of 1989. This Act is enacted to regulate the sale and distribution of liquor and beer products within the Tribal jurisdiction of the Iowa Tribe of Oklahoma, and to generate revenue to fund needed tribal programs and services.

Section 2. Definitions

Unless otherwise required by the context the following words and phrases shall have the designated meanings:

(A) "Tribe" shall mean the Iowa Tribe of Oklahoma, Rural Route 721, Perkins, Oklahoma 74059.

(B) "Business Committee" shall mean the Iowa Tribe of Oklahoma Business Committee as constituted by Article V of the Constitution and By-Laws of the Iowa Tribe of Oklahoma.

(C) "Tribal Jurisdiction" shall mean:

(1) All land within the limits of the Iowa Tribe of Oklahoma under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights of ways running through the reservation;

(2) All dependant Iowa Tribe of Oklahoma communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state and;

(3) All Iowa Tribe of Oklahoma Indian Allotments, the Indian titles to which have not been extinguished, including rights of ways running through the same.

(D) "Member" shall mean any person whose name appears on the official roll of the Iowa Tribe of Oklahoma.

(E) "Commercial Sale" shall mean the transfer, exchange or barter, in any or by any means whatsoever for a consideration by any person, association, partnership, or corporation of liquor and beer products.

(F) "Wholesale Price" shall mean the established price for which liquor and beer products are sold to the Iowa Tribe of Oklahoma or any licensed operator by the manufacturer or distributor, exclusive of any discount or other reduction.

(G) "Alcohol" is the substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is produced by the fermentation of distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance.

(H) "Beer" means any beverage obtained by the alcohol fermentation of an infusion or decoction of pure hop, or pure extract of hops, and malt sugar in pure water containing not more than 6% of alcohol by weight.

(I) "Liquor Outlet" shall mean either:

(1) A tribally licensed retail sale or wholesale business selling liquor or beer within the tribal jurisdiction, or

(2) A tribally licensed commercial establishment selling liquor or beer for consumption within tribal jurisdiction. For purposes of this Act, "Outlet", "Liquor Outlet" and "Liquor and Beer Outlet" shall be deemed to have the same meaning and a reference to one shall be deemed a reference to and inclusion of the others.

(J) "Operator" shall mean all enrolled members of twenty-one (21) years of age or older, of the Iowa Tribe of Oklahoma or enrolled members of twenty-one (21) years of age or older, of another federally recognized Tribe of American Indians licensed by the Iowa Tribe of Oklahoma, or any designated agent of twenty-one (21) years of age, or older, of any corporation chartered or domesticated pursuant to the Iowa Corporation Act, to operate either a retail, wholesale or commercial liquor and beer outlet, or any combination thereof.

Section 3. Licensing of Liquor and Beer Outlets

The Iowa Tribe of Oklahoma Business Committee shall be the Iowa Tribe of Oklahoma Liquor and Beer Control Commission. The Commission is empowered to:

(A) Administer these regulations by exercising general control, management and supervision of all liquor and beer sales, places of sale and sales outlets as well as exercising all powers necessary to accomplish the purpose of these regulations.

(B) Adopt and enforce rules and regulations in furtherance of the purpose of these regulations and in the performance of its administrative functions.

Section 4. Nature of Outlet

Each liquor and beer outlet, licensed granted by the Commission, hereunder, shall be managed pursuant to the conditions herein set out, and as adopted pursuant to Section 3, subparagraph B, of this law.

Section 5. Application For Liquor and Beer Outlet License

Any enrolled member, twenty-one years of age and older, of the Iowa Tribe of Oklahoma or an enrolled member, twenty-one (21) years of age or older, of a federally recognized Tribe or any designated agent twenty-one (21) years of age or older, of any corporation chartered or domesticated pursuant to the Iowa Corporation Act may apply to the Commission for a liquor and beer outlet license.

Section 6. Corporations

Any corporation chartered or domesticated pursuant to the Iowa Corporation Act may apply to the Commission for a liquor and beer outlet license.

Section 7. Processing of Application

The Tribal Secretary-Treasurer or other representative authorized by the Commission shall receive and process applications and be the official representative of the Tribe and Commission in matters relating to liquor and beer excise tax collections and related matters. The Commission or its authorized representative shall obtain additional information as deemed appropriate. If the Commission or its authorized representative is satisfied that the applicant is a suitable and respectable person, the Commission or its authorized representative may issue a license for the sale of liquor and beer products.

Section 8. Application Fee

Each application shall be accomplished by an application fee of twenty-five dollars (\$25.00).

Section 9. Liquor and Beer License

Upon approval of an application, the Commission shall issue the applicant a liquor and beer outlet license, for one year from the date of issuance, which shall entitle the operator to establish and maintain only the type outlet being permitted. This license shall not be transferable. It shall be renewable at the discretion of the Commission upon submission of the licensee of the application form required in Section 5 and payment of the application fee required in Section 8.

Section 10. Non-Indian License

(RESERVED)

Section 11. Regarding Sales By Liquor Wholesales and Transport of Liquors Within the Tribal Jurisdiction

The operator of any licensed outlet shall keep the Commission informed in writing of the identity of suppliers and/or wholesalers who supply or are expected to supply liquor stocks to the outlet(s). The Commission may, at its discretion, for any reasonable cause, limit or prohibit the purchase of said stock from a supplier or wholesaler.

Section 12. Freedom of Information From Suppliers

Operators shall, in their purchase of stock and in their business relations with suppliers, cooperate with and assist the free flow of information and data to the Commission from suppliers relating to the sales and business arrangements between the suppliers and operators. The Commission may, at its discretion, require the receipts from the suppliers of all invoices, bills of lading, billings or other documentary receipts of sales to the operators.

Section 13. Sales By Retail, Wholesale and Commercial Operators

(A) The Commission shall adopt procedures which shall supplement these Regulations and facilitate their enforcement. These procedures shall include limitations on sales to minors, where liquor may be consumed, persons not allowed to purchase alcoholic beverages, hours and days when outlets may be open for business, and other appropriate matters and controls.

(B) No tribal operator shall give, sell, or otherwise supply liquor to any person under twenty-one (21) years of age either for his or her own use or for the use of his or her parents or for the use of any other person.

(C) No tribally licensed retail or wholesale operator shall permit any person to open or consume liquor on his or her premises or any premises adjacent thereto and in his or her control; provided, the Commission may identify specific locations within Tribal jurisdiction where beer and/or alcohol may be consumed.

(D) A tribally licensed commercial operator may permit persons to open and consume liquor and beer on his or her licensed premises; provided, the operator may not permit persons to open and consume liquor and beer on any premises adjacent thereto and under the control of the operator.

Section 14. Conduct on Licensed Premises

Conduct prohibited on licensed premises shall be in accordance with the laws of the State of Oklahoma and the laws of the Iowa Tribe of Oklahoma. Jurisdiction over such conduct is reserved to and exercised by the Iowa Tribe of Oklahoma. Jurisdiction over such conduct is reserved to and exercised by the Iowa Tribe of Oklahoma.

Section 15. Employment of Minors

No person under the age of twenty-one (21) years of age shall be employed in any service in connection with the sale or handling of liquor, either on a paid or voluntary basis, except as otherwise provided herein. Employees eighteen (18) years or older may sell or handle beer or wine provided that there is direct supervision by an adult twenty-one (21) years of age or older.

Section 16. Operator's Premises Open to Commission Inspection

The premises of all operators, including vehicles used in connection with liquor sales, shall be open at all times to inspection by the Iowa Tribe of Oklahoma, Liquor and Beer Control Commission or its designated representative.

Section 17. Operator's Records

The original or copies of all sales slips, invoices, and other memoranda covering all purchases of liquor by operators shall be kept on file in the retail premises of the operator purchasing the same for at least five (5) years after each purchase, and shall be filed separately and kept apart from all other records, and as nearly as possible shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and checking. All canceled checks, bank statements and books of accounting covering or involving the purchase of liquor, and all memoranda, if any, showing payment of money for liquor other than by check, shall be likewise preserved for availability for inspection and checking.

Section 18. Records Confidential

All records of the Iowa Tribe of Oklahoma Liquor and Beer Control Commission showing purchase of liquor by an individual or group shall be confidential and shall not be inspected except by members of the Commission or the Commission's authorized representative.

Section 19. Conformity With State Law

Operators shall operate the outlets in conformity with both the laws of the State of Oklahoma and this Act as required by 18 U.S.C. 1161.

Section 20. Tribal Excise Tax Imposed Upon Distribution of Liquor

(A) The Commission shall by resolution include a provision for the taxing of sales of liquor and beer products to the consumer or purchaser. Such tax shall be in amounts equal to at least 5% of all retail sales prices, but the Commission may establish tax rates in excess of that 5% for any given class of merchandise.

(B) The excise tax levied hereunder shall be added to the retail selling price of liquor and beer products sold to the ultimate consumer.

Section 21. Liability for Bills

The Tribe shall have no legal responsibility for any unpaid bills owed by a liquor and beer outlet to a wholesale supplier or any other person.

Section 22. Other Business by Operator

An operator may conduct another business simultaneously with managing liquor and beer outlet; provided, such other business must be approved prior to initiation by majority vote of the Iowa Tribe of Oklahoma Business Committee. Said other business may be conducted on the same premises as a liquor and beer outlet, but the operator shall be required to maintain separate books of account for the other business.

Section 23. Tribal Liability and Credit

(A) Operators are forbidden to represent or give the impression to any supplier or person with whom he or she does business that he or she is an official representative of the Tribe or the Commission authorized to pledge tribal credit or financial responsibility for any of the expenses of his or her business operation. The operator shall hold the Iowa Tribe of Oklahoma harmless from all claims and liability of whatever nature. The Commission shall revoke an operator's outlet license(s) if said outlet(s) is not operated in a businesslike manner or if it does not remain financially solvent or does not pay its operating expenses and bills before they become delinquent.

(B) The operator shall maintain at his or her expense adequate insurance covering liability, fire, theft, vandalism, and other insurable risks. The Commission or the Business Committee may establish, as a condition of any license, the required insurance limits

and any additional coverages deemed advisable.

Section 24. Audit and Inspection

(A) All of the books and other business records of the outlet shall be available for inspection and audit by the Commission or its authorized representative for any reasonable time.

(B) The excise tax together with reports on forms to be supplied by the Commission shall be remitted to the Tribal office monthly unless otherwise specified in writing by the Commission. The operator shall furnish a satisfactory bond to the Tribe in an amount to be specified by the Commission guaranteeing his or her payment of excise taxes.

Section 25. Revocation of Operator's License

Failure of an operator to abide by the provision of these regulations and any additional regulations or requirements imposed by the Commission will constitute grounds for revocation of the operator's license as well as enforcement of the penalties provided in Section 26.

Section 26. Violation—Penalties

Any Indian violating these Regulations shall be guilty of an offense and subject to a fine of not less than fifty dollars (\$50.00) and not to exceed a maximum of two hundred-fifty dollars (\$250.00). Any operator who violates the provisions set forth herein shall forfeit all of the remaining stock in outlet(s). The Tribe shall be empowered to seize forfeited products.

Section 27. Separability

If any provision of the Regulations in its application to any person or circumstance is held invalid, the remainder of the Regulations and their application to other persons or circumstances is not affected.

Section 28. Effective date

This Act shall become effective January 3, 1990, by Resolution I 90-19, as amended October 12, 1990, by Resolution I-92-02; May 22, 1991 by Resolution I-91-28; and General Council Ratification by Ordinance Iowa No. 93-02, June 5, 1993.

Dated: April 21, 1997

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 97-10917 Filed 4-28-97; 8:45 am]

BILLING CODE 4310-02-P