

109TH CONGRESS
1ST SESSION

H. R. 3351

To make technical corrections to laws relating to Native Americans, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2005

Mr. POMBO introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make technical corrections to laws relating to Native
Americans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Native American Technical Corrections Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS
RELATING TO NATIVE AMERICANS

- Sec. 101. Indian Financing Act amendments.
 Sec. 102. Gila River Indian Community binding arbitration.
 Sec. 103. Alaska Native Claims Settlement Act voting standards amendment.
 Sec. 104. Indian tribal justice technical and legal assistance.
 Sec. 105. Tribal justice systems.
 Sec. 106. ANCSA amendment.
 Sec. 107. Mississippi Band of Choctaw transportation reimbursement.
 Sec. 108. Indian Pueblo Land Act Amendments.

TITLE II—INDIAN LAND LEASING

- Sec. 201. Prairie Island land conveyance.
 Sec. 202. Authorization of 99-year leases.
 Sec. 203. Indian Reorganization Act amendment.

1 **TITLE I—TECHNICAL AMEND-**
 2 **MENTS AND OTHER PROVI-**
 3 **SIONS RELATING TO NATIVE**
 4 **AMERICANS**

5 **SEC. 101. INDIAN FINANCING ACT AMENDMENTS.**

6 (a) LOAN GUARANTIES AND INSURANCE.—Section
 7 201 of the Indian Financing Act of 1974 (25 U.S.C.
 8 1481) is amended—

9 (1) by striking “the Secretary is authorized (a)
 10 to guarantee” and inserting

11 “the Secretary may—

12 “(1) guarantee”;

13 (2) by striking “Indians; and (b) in lieu of such
 14 guaranty, to insure” and inserting

15 “Indians; or

16 “(2) to insure”;

17 (3) by striking “SEC. 201. In order” and insert-
 18 ing the following:

1 **“SEC. 201. LOAN GUARANTIES AND INSURANCE.**

2 “(a) IN GENERAL.—In order”; and

3 (4) by adding at the end the following:

4 “(b) ELIGIBLE BORROWERS.—The Secretary may
5 guarantee or insure loans under subsection (a) to both for-
6 profit and nonprofit borrowers.”.

7 (b) LOAN APPROVAL.—Section 204 of the Indian Fi-
8 nancing Act of 1974 (25 U.S.C. 1484) is amended by
9 striking “SEC. 204.” and inserting the following:

10 **“SEC. 204. LOAN APPROVAL.”**

11 (c) SALE OR ASSIGNMENT OF LOANS AND UNDER-
12 LYING SECURITY.—Section 205 of the Indian Financing
13 Act of 1974 (25 U.S.C. 1485) is amended—

14 (1) by striking “SEC. 205.” and all that follows
15 through subsection (b) and inserting the following:

16 **“SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDER-
17 LYING SECURITY.**

18 “(a) IN GENERAL.—All or any portion of a loan
19 guaranteed or insured under this title, including the secu-
20 rity given for the loan—

21 “(1) may be transferred by the lender by sale
22 or assignment to any person; and

23 “(2) may be retransferred by the transferee.

24 “(b) TRANSFERS OF LOANS.—With respect to a
25 transfer described in subsection (a)—

1 “(1) the transfer shall be consistent with such
2 regulations as the Secretary shall promulgate under
3 subsection (h); and

4 “(2) the transferee shall give notice of the
5 transfer to the Secretary.”;

6 (2) by striking subsection (e);

7 (3) by redesignating subsections (d), (e), (f),
8 (g), (h), and (i) as subsections (c), (d), (e), (f), (g),
9 and (h), respectively;

10 (4) in subsection (c) (as redesignated by para-
11 graph (3))—

12 (A) by striking “VALIDITY.—” and all that
13 follows through “subparagraph (B),” and in-
14 serting “VALIDITY.—Except as provided by reg-
15 ulations in effect on the date on which a loan
16 is made,”; and

17 (B) by striking “incontestable” and all
18 that follows and inserting “incontestable.”;

19 (5) in subsection (e) (as redesignated by para-
20 graph (3))—

21 (A) by striking “The Secretary” and in-
22 serting the following:

23 “(1) IN GENERAL.—The Secretary”; and

24 (B) by adding at the end the following:

1 “(2) COMPENSATION OF FISCAL TRANSFER
2 AGENT.—A fiscal transfer agent designated under
3 subsection (f) may be compensated through any of
4 the fees assessed under this section and any interest
5 earned on any funds or fees collected by the fiscal
6 transfer agent while the funds or fees are in the con-
7 trol of the fiscal transfer agent and before the time
8 at which the fiscal transfer agent is contractually re-
9 quired to transfer such funds to the Secretary or to
10 transferees or other holders.”; and

11 (6) in subsection (f) (as redesignated by para-
12 graph (3))—

13 (A) by striking “subsection (i)” and insert-
14 ing “subsection (h)”;

15 (B) in paragraph (2)(B), by striking “,
16 and issuance of acknowledgments,”.

17 (d) LOANS INELIGIBLE FOR GUARANTY OR INSUR-
18 ANCE.—Section 206 of the Indian Financing Act of 1974
19 (25 U.S.C. 1486) is amended by striking “Internal Rev-
20 enue Code of 1954, as amended,” and inserting “Internal
21 Revenue Code of 1986 (except loans made by certified
22 Community Development Finance Institutions)”.

23 (e) AGGREGATE LOANS OR SURETY BONDS LIMITA-
24 TION.—Section 217(b) of the Indian Financing Act of

1 1974 (25 U.S.C. 1497(b)) is amended by striking
2 “\$500,000,000” and inserting “\$1,500,000,000”.

3 **SEC. 102. GILA RIVER INDIAN COMMUNITY BINDING ARBI-**
4 **TRATION.**

5 (a) AMENDMENTS.—Subsection (f) of the first sec-
6 tion of the Act of August 9, 1955 (25 U.S.C. 415(f)), is
7 amended—

8 (1) in the first sentence—

9 (A) by striking “Any lease” and all that
10 follows through “affecting land” and inserting
11 “Any contract, including a lease, affecting
12 land”; and

13 (B) in the second sentence, by striking
14 “Such leases or contracts entered into pursuant
15 to such Acts” and inserting “Such contracts”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect as if included in Public
18 Law 107–159 (116 Stat. 122).

19 **SEC. 103. ALASKA NATIVE CLAIMS SETTLEMENT ACT VOT-**
20 **ING STANDARDS AMENDMENT.**

21 (a) IN GENERAL.—Subsection (d)(3) of section 36 of
22 the Alaska Native Claims Settlement Act (43 U.S.C.
23 1629b) (as amended by subsection (b)) is amended—

1 (1) by inserting after “of this section” the fol-
2 lowing: “or an amendment to the articles of incorpora-
3 tion described in section 7(g)(1)(B)”;

4 (2) by inserting “or amendment” after “meet-
5 ing relating to such resolution” each place it ap-
6 pears.

7 (b) TECHNICAL CORRECTIONS.—

8 (1)(A) Section 337(a) of the Department of the
9 Interior and Related Agencies Appropriations Act,
10 2003 (Division F of Public Law 108–7; 117 Stat.
11 278; February 20, 2003) is amended—

12 (i) in the matter preceding paragraph (1),
13 by striking “Section 1629b of title 43, United
14 States Code,” and inserting “Section 36 of the
15 Alaska Native Claims Settlement Act (43
16 U.S.C. 1629b)”;

17 (ii) in paragraph (2), by striking “by cre-
18 ating the following new subsection:” and insert-
19 ing “in subsection (d), by adding at the end the
20 following:”.

21 (B) Section 36 of the Alaska Native Claims
22 Settlement Act (43 U.S.C. 1629b) is amended—

23 (i) in subsection (d)(3), by striking “(d)”;
24 and

1 (ii) in subsection (f), by striking “section
2 1629e of this title” and inserting “section 39”.

3 (2)(A) Section 337(b) of the Department of the
4 Interior and Related Agencies Appropriations Act,
5 2003 (Division F of Public Law 108–7; 117 Stat.
6 278; February 20, 2003) is amended by striking
7 “Section 1629e(a)(3) of title 43, United States
8 Code,” and inserting “Section 39(a)(3) of the Alas-
9 ka Native Claims Settlement Act (43 U.S.C.
10 1629e(a)(3))”.

11 (B) Section 39(a)(3)(B)(ii) of the Alaska Na-
12 tive Claims Settlement Act (43 U.S.C.
13 1629e(a)(3)(B)(ii)) is amended by striking “(a)(4)
14 of section 1629b of this title” and inserting “section
15 36(a)(4)”.

16 (3) The amendments made by this subsection
17 take effect on February 20, 2003.

18 **SEC. 104. INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL**
19 **ASSISTANCE.**

20 Sections 106 and 201(d) of the Indian Tribal Justice
21 Technical and Legal Assistance Act (25 U.S.C. 3666,
22 3681(d)) are amended by striking “for fiscal years 2000
23 through 2004” and inserting “for fiscal years 2004
24 through 2010”.

1 **SEC. 105. TRIBAL JUSTICE SYSTEMS.**

2 Subsections (a), (b), (c), and (d) of section 201 of
3 the Indian Tribal Justice Act (25 U.S.C. 3621) are
4 amended by striking “2007” and inserting “2010”.

5 **SEC. 106. ANCSA AMENDMENT.**

6 All land and interests in land in the State of Alaska
7 conveyed by the Federal Government under the Alaska
8 Native Claims Settlement Act (43 U.S.C. 1601 et seq.)
9 to a Native Corporation and reconveyed by that Native
10 Corporation, or a successor in interest, in exchange for
11 any other land or interest in land in the State of Alaska
12 and located within the same region (as defined in section
13 9(a) of the Alaska Native Claims Settlement Act (43
14 U.S.C. 1608(a)), to a Native Corporation under an ex-
15 change or other conveyance, shall be deemed, notwith-
16 standing the conveyance or exchange, to have been con-
17 veyed pursuant to that Act.

18 **SEC. 107. MISSISSIPPI BAND OF CHOCTAW TRANSPOR-**
19 **TATION REIMBURSEMENT.**

20 The Secretary of the Interior, acting through the Bu-
21 reau of Indian Affairs, shall accept funds from the State
22 of Mississippi and deposit such funds in trust account
23 number PL7489708 at the Office of Trust Funds Man-
24 agement for the benefit of the Mississippi Band of Choc-
25 tow Indians, as set forth in the agreement executed by
26 the Mississippi Department of Transportation on June 7,

1 2005, and by the Mississippi Band of Choctaw Indians
2 on June 2, 2005. Thereafter, the tribe may draw down
3 these moneys from this trust account by resolution of the
4 Tribal Council, pursuant to Federal law and regulations
5 applicable to such accounts.

6 **SEC. 108. INDIAN PUEBLO LAND ACT AMENDMENTS.**

7 The Act of June 7, 1924 (43 Stat. 636, chapter 331),
8 is amended by adding at the end the following:

9 **“SEC. 20. CRIMINAL JURISDICTION.**

10 “(a) IN GENERAL.—Except as otherwise provided by
11 Congress, jurisdiction over offenses committed anywhere
12 within the exterior boundaries of any grant from a prior
13 sovereign, as confirmed by Congress or the Court of Pri-
14 vate Land Claims to a Pueblo Indian tribe of New Mexico
15 shall be provided in this section.

16 “(b) JURISDICTION OF THE PUEBLO.—The Pueblo
17 has jurisdiction, as an act of the Pueblos inherent power
18 as an Indian tribe, over any offense committed by a mem-
19 ber of the Pueblo or an Indian, as defined in section 201
20 of the Act of April 11, 1968 (25 U.S.C. 1301), or by any
21 other Indian-owned entity.

22 “(c) JURISDICTION OF THE UNITED STATES.—The
23 United States has jurisdiction over any offense described
24 in chapter 53 of title 18, United States Code, committed
25 by or against an Indian as defined in section 201 of the

1 Act of April 11, 1968 (25 U.S. C. 1301) or any Indian-
2 owned entity, or that involves any Indian property or in-
3 terest.

4 “(d) JURISDICTION OF THE STATE OF NEW MEX-
5 ICO.—The State of New Mexico shall have jurisdiction
6 over any offense committed by a person who is not a mem-
7 ber of a Pueblo or an Indian tribe, as defined in section
8 201 of the Act of April 11, 1968 (25 U.S.C. 1301) which
9 offense is not subject to the jurisdiction of the United
10 States.”.

11 **TITLE II—INDIAN LAND LEASING**

12 **SEC. 201. PRAIRIE ISLAND LAND CONVEYANCE.**

13 (a) IN GENERAL.—The Secretary of the Army shall
14 convey all right, title, and interest of the United States
15 in and to the land described in subsection (b), including
16 all improvements, cultural resources, and sites on the land,
17 subject to the flowage and sloughing easement described
18 in subsection (d) and to the conditions stated in subsection
19 (f), to the Secretary of the Interior, to be—

20 (1) held in trust by the United States for the
21 benefit of the Prairie Island Indian Community in
22 Minnesota; and

23 (2) included in the Prairie Island Indian Com-
24 munity Reservation in Goodhue County, Minnesota.

1 (b) LAND DESCRIPTION.—The land to be conveyed
2 under subsection (a) is the approximately 1290 acres of
3 land associated with the Lock and Dam #3 on the Mis-
4 sissippi River in Goodhue County, Minnesota, located in
5 tracts identified as GO-251, GO-252, GO-271, GO-277,
6 GO-278, GO-284, GO-301 through GO-313, GO-314A,
7 GO-314B, GO-329, GO-330A, GO-330B, GO-331A,
8 GO-331B, GO-331C, GO-332, GO-333, GO-334, GO-
9 335A, GO-335B, GO-336 through GO-338, GO-339A,
10 GO-339B, GO-339C, GO-339D, GO-339E, GO-340A,
11 GO-340B, GO-358, GO-359A, GO-359B, GO-359C,
12 GO-359D, and GO-360, as depicted on the map entitled
13 “United States Army Corps of Engineers survey map of
14 the Upper Mississippi River 9-Foot Project, Lock & Dam
15 No. 3 (Red Wing), Land & Flowage Rights” and dated
16 December 1936.

17 (c) BOUNDARY SURVEY.—Not later than 5 years
18 after the date of conveyance under subsection (a), the
19 boundaries of the land conveyed shall be surveyed as pro-
20 vided in section 2115 of the Revised Statutes (25 U.S.C.
21 176).

22 (d) EASEMENT.—

23 (1) IN GENERAL.—The Corps of Engineers
24 shall retain a flowage and sloughing easement for
25 the purpose of navigation and purposes relating to

1 the Lock and Dam No. 3 project over the portion of
2 the land described in subsection (b) that lies below
3 the elevation of 676.0.

4 (2) INCLUSIONS.—The easement retained under
5 paragraph (1) includes—

6 (A) the perpetual right to overflow, flood,
7 and submerge property as the District Engineer
8 determines to be necessary in connection with
9 the operation and maintenance of the Mis-
10 sissippi River Navigation Project; and

11 (B) the continuing right to clear and re-
12 move any brush, debris, or natural obstructions
13 that, in the opinion of the District Engineer,
14 may be detrimental to the project.

15 (e) OWNERSHIP OF STURGEON LAKE BED UNAF-
16 FECTED.—Nothing in this section diminishes or otherwise
17 affects the title of the State of Minnesota to the bed of
18 Sturgeon Lake located within the tracts of land described
19 in subsection (b).

20 (f) CONDITIONS.—The conveyance under subsection
21 (a) is subject to the conditions that the Prairie Island In-
22 dian Community shall not—

23 (1) use the conveyed land for human habitation;

24 (2) construct any structure on the land without
25 the written approval of the District Engineer; or

1 (3) conduct gaming (within the meaning of sec-
2 tion 4 of the Indian Gaming Regulatory Act (25
3 U.S.C. 2703)) on the land.

4 (g) NO EFFECT ON ELIGIBILITY FOR CERTAIN
5 PROJECTS.—Notwithstanding the conveyance under sub-
6 section (a), the land shall continue to be eligible for envi-
7 ronmental management planning and other recreational or
8 natural resource development projects on the same basis
9 as before the conveyance.

10 (h) EFFECT OF SECTION.—Nothing in this section
11 diminishes or otherwise affects the rights granted to the
12 United States pursuant to letters of July 23, 1937, and
13 November 20, 1937, from the Secretary of the Interior
14 to the Secretary of War and the letters of the Secretary
15 of War in response to the Secretary of the Interior dated
16 August 18, 1937, and November 27, 1937, under which
17 the Secretary of the Interior granted certain rights to the
18 Corps of Engineers to overflow the portions of Tracts A,
19 B, and C that lie within the Mississippi River 9-Foot
20 Channel Project boundary and as more particularly shown
21 and depicted on the map entitled “United States Army
22 Corps of Engineers survey map of the Upper Mississippi
23 River 9-Foot Project, Lock & Dam No. 3 (Red Wing),
24 Land & Flowage Rights” and dated December 1936.

1 **SEC. 202. AUTHORIZATION OF 99-YEAR LEASES.**

2 (a) IN GENERAL.—Subsection (a) of the first section
3 of the Act of August 9, 1955 (25 U.S.C. 415(a)), is
4 amended in the second sentence:

5 (1) by inserting “the reservation of the Confed-
6 erated Tribes of the Umatilla Indian Reservation,”
7 before “the Burns Paiute Reservation,”;

8 (2) by inserting “the” before “Yavapai-Pres-
9 cott”;

10 (3) by inserting “the Muckleshoot Indian Res-
11 ervation and land held in trust for the Muckleshoot
12 Indian Tribe,” after “the Cabazon Indian reserva-
13 tion,”;

14 (4) by inserting “lands held in trust for the
15 Fallon Paiute Shoshone Tribes,” before “lands held
16 in trust for the Pueblo of Santa Clara”;

17 (5) by striking “and the lands comprising the
18 Moses Allotment Numbered 10, Chelan County,
19 Washington,” and inserting the following: “and the
20 lands comprising the Moses Allotment Numbered 8
21 and the Moses Allotment Numbered 10, Chelan
22 County, Washington”; and

23 (6) by inserting “land held in trust for the
24 Yurok Tribe, land held in trust for the Hopland
25 Band of Pomo Indians of the Hopland Rancheria,”
26 after “Pueblo of Santa Clara,”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply only to any lease entered into
3 or renewed after the date of the enactment of this Act.

4 **SEC. 203. INDIAN REORGANIZATION ACT AMENDMENT.**

5 Notwithstanding section 17 of the Act of June 18,
6 1936 (25 U.S.C. 477; commonly known as the “Indian
7 Reorganization Act”) the Paskenta Band of Nomlaki Indi-
8 ans is granted 99-year lease authority over its reservation
9 land.

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