

Union Calendar No. 165

109TH CONGRESS
1ST SESSION

H. R. 3351

[Report No. 109–298, Part 1]

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

NOVEMBER 16, 2005

Reported from the Committee on Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

NOVEMBER 16, 2005

Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on July 19, 2005]

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 “Na-*
 5 *tive 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.*

8 **TITLE I—TECHNICAL AMEND-**
 9 **MENTS AND OTHER PROVI-**
 10 **SIONS RELATING TO NATIVE**
 11 **AMERICANS**

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

13 (a) *LOAN GUARANTIES AND INSURANCE.*—*Section 201*
 14 *of the Indian Financing Act of 1974 (25 U.S.C. 1481) is*
 15 *amended—*

16 (1) *by striking “the Secretary is authorized (a)*
 17 *to guarantee” and inserting*

1 *“the Secretary may—*

2 *“(1) guarantee”;*

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

5 *“Indians; or*

6 *“(2) to insure”;*

7 *(3) by striking “SEC. 201. In order” and insert-*
8 *ing the following:*

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

10 *“(a) IN GENERAL.—In order”;* and

11 *(4) by adding at the end the following:*

12 *“(b) ELIGIBLE BORROWERS.—The Secretary may*
13 *guarantee or insure loans under subsection (a) to both for-*
14 *profit and nonprofit borrowers.”.*

15 *(b) LOAN APPROVAL.—Section 204 of the Indian Fi-*
16 *ancing Act of 1974 (25 U.S.C. 1484) is amended by strik-*
17 *ing “SEC. 204.” and inserting the following:*

18 **“SEC. 204. LOAN APPROVAL.”.**

19 *(c) SALE OR ASSIGNMENT OF LOANS AND UNDERLYING*
20 *SECURITY.—Section 205 of the Indian Financing Act of*
21 *1974 (25 U.S.C. 1485) is amended—*

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

1 **“SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDER-**
2 **LYING SECURITY.**

3 “(a) *IN GENERAL.*—All or any portion of a loan guar-
4 anteed or insured under this title, including the security
5 given for the loan—

6 “(1) *may be transferred by the lender by sale or*
7 *assignment to any person; and*

8 “(2) *may be retransferred by the transferee.*

9 “(b) *TRANSFERS OF LOANS.*—With respect to a trans-
10 *fer described in subsection (a)—*

11 “(1) *the transfer shall be consistent with such*
12 *regulations as the Secretary shall promulgate under*
13 *subsection (h); and*

14 “(2) *the transferee shall give notice of the trans-*
15 *fer to the Secretary.”;*

16 (2) *by striking subsection (c);*

17 (3) *by redesignating subsections (d), (e), (f), (g),*
18 *(h), and (i) as subsections (c), (d), (e), (f), (g), and*
19 *(h), respectively;*

20 (4) *in paragraph (2) of subsection (c) (as redesi-*
21 *gnated by paragraph (3))—*

22 (A) *by striking “VALIDITY.—” and all that*
23 *follows through “subparagraph (B),” and insert-*
24 *ing “VALIDITY.—Except as provided by regula-*
25 *tions in effect on the date on which a loan is*
26 *made,”; and*

1 (B) by striking “incontestable” and all that
2 follows and inserting “incontestable.”;

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

5 (A) by striking “The Secretary” and insert-
6 ing the following:

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

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

9 “(2) *COMPENSATION OF FISCAL TRANSFER*
10 *AGENT.—A fiscal transfer agent designated under sub-*
11 *section (f) may be compensated through any of the*
12 *fees assessed under this section and any interest*
13 *earned on any funds or fees collected by the fiscal*
14 *transfer agent while the funds or fees are in the con-*
15 *trol of the fiscal transfer agent and before the time at*
16 *which the fiscal transfer agent is contractually re-*
17 *quired to transfer such funds to the Secretary or to*
18 *transferees or other holders.”; and*

19 (6) in subsection (f) (as redesignated by para-
20 graph (3))—

21 (A) by striking “subsection (i)” and insert-
22 ing “subsection (h)”; and

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

1 (d) *LOANS INELIGIBLE FOR GUARANTY OR INSUR-*
2 *ANCE.*—Section 206 of the Indian Financing Act of 1974
3 (25 U.S.C. 1486) is amended by striking “Internal Revenue
4 Code of 1954, as amended,” and inserting “Internal Rev-
5 enue Code of 1986 (except loans made by certified Commu-
6 nity Development Finance Institutions)”.

7 (e) *AGGREGATE LOANS OR SURETY BONDS LIMITA-*
8 *TION.*—Section 217(b) of the Indian Financing Act of 1974
9 (25 U.S.C. 1497(b)) is amended by striking “\$500,000,000”
10 and inserting “\$1,500,000,000”.

11 **SEC. 102. GILA RIVER INDIAN COMMUNITY BINDING ARBI-**
12 **TRATION.**

13 (a) *AMENDMENTS.*—Subsection (f) of the first section
14 of the Act of August 9, 1955 (25 U.S.C. 415(f)), is amend-
15 ed—

16 (1) in the first sentence, by striking “Any lease”
17 and all that follows through “affecting land” and in-
18 serting “Any contract, including a lease, affecting
19 land”; and

20 (2) in the second sentence, by striking “Such
21 leases or contracts entered into pursuant to such
22 Acts” and inserting “Such contracts”.

23 (b) *EFFECTIVE DATE.*—The amendments made by sub-
24 section (a) shall take effect as if included in Public Law
25 107–159 (116 Stat. 122).

1 **SEC. 103. ALASKA NATIVE CLAIMS SETTLEMENT ACT VOT-**
2 **ING STANDARDS AMENDMENT.**

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

6 (1) *by inserting after “of this section” the fol-*
7 *lowing: “or an amendment to the articles of incorpo-*
8 *ration described in section 7(g)(1)(B)”;* and

9 (2) *by inserting “or amendment” after “meeting*
10 *relating to such resolution” each place it appears.*

11 (b) *TECHNICAL CORRECTIONS.*—

12 (1)(A) *Section 337(a) of the Department of the*
13 *Interior and Related Agencies Appropriations Act,*
14 *2003 (Division F of Public Law 108–7; 117 Stat.*
15 *278; February 20, 2003) is amended—*

16 (i) *in the matter preceding paragraph (1),*
17 *by striking “Section 1629b of title 43, United*
18 *States Code,” and inserting “Section 36 of the*
19 *Alaska Native Claims Settlement Act (43 U.S.C.*
20 *1629b)”;*

21 (ii) *in paragraph (2), by striking “by cre-*
22 *ating the following new subsection:” and insert-*
23 *ing “in subsection (d), by adding at the end the*
24 *following:”;* and

1 (iii) in paragraph (3), by striking “by cre-
2 ating the following new subsection:” and insert-
3 ing “by adding at the end the following:”.

4 (B) Section 36 of the Alaska Native Claims Set-
5 tlement Act (43 U.S.C. 1629b) is amended—

6 (i) in subsection (d)(3), by striking “(d)”;
7 and

8 (ii) in subsection (f), by striking “section
9 1629e of this title” and inserting “section 39”.

10 (2)(A) Section 337(b) of the Department of the
11 Interior and Related Agencies Appropriations Act,
12 2003 (Division F of Public Law 108–7; 117 Stat.
13 278; February 20, 2003) is amended by striking “Sec-
14 tion 1629e(a)(3) of title 43, United States Code,” and
15 inserting “Section 39(a)(3) of the Alaska Native
16 Claims Settlement Act (43 U.S.C. 1629e(a)(3))”.

17 (B) Section 39(a)(3)(B)(ii) of the Alaska Native
18 Claims Settlement Act (43 U.S.C. 1629e(a)(3)(B)(ii))
19 is amended by striking “(a)(4) of section 1629b of
20 this title” and inserting “section 36(a)(4)”.

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

1 **SEC. 104. INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL**
2 **ASSISTANCE.**

3 *Sections 106 and 201(d) of the Indian Tribal Justice*
4 *Technical and Legal Assistance Act of 2000 (25 U.S.C.*
5 *3666, 3681(d)) are amended by striking “for fiscal years*
6 *2000 through 2004” and inserting “for fiscal years 2004*
7 *through 2010”.*

8 **SEC. 105. TRIBAL JUSTICE SYSTEMS.**

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

12 **SEC. 106. ANCSA AMENDMENT.**

13 *All land and interests in land in the State of Alaska*
14 *conveyed by the Federal Government under the Alaska Na-*
15 *tive Claims Settlement Act (43 U.S.C. 1601 et seq.) to a*
16 *Native Corporation and reconveyed by that Native Corpora-*
17 *tion, or a successor in interest, in exchange for any other*
18 *land or interest in land in the State of Alaska and located*
19 *within the same region (as defined in section 9(a) of the*
20 *Alaska Native Claims Settlement Act (43 U.S.C. 1608(a)),*
21 *to a Native Corporation under an exchange or other convey-*
22 *ance, shall be deemed, notwithstanding the conveyance or*
23 *exchange, to have been conveyed pursuant to that Act.*

1 **SEC. 107. MISSISSIPPI BAND OF CHOCTAW TRANSPOR-**
2 **TATION REIMBURSEMENT.**

3 *The Secretary of the Interior, acting through the Bu-*
4 *reau of Indian Affairs, is authorized and directed to enter*
5 *into a contract in order to accept funds from the State of*
6 *Mississippi and deposit such funds in trust account number*
7 *PL7489708 at the Office of Trust Funds Management for*
8 *the benefit of the Mississippi Band of Choctaw Indians, as*
9 *set forth in the agreement executed by the Mississippi De-*
10 *partment of Transportation on June 7, 2005, and by the*
11 *Mississippi Band of Choctaw Indians on June 2, 2005.*
12 *Thereafter, the tribe may draw down these moneys from this*
13 *trust account by resolution of the Tribal Council, pursuant*
14 *to Federal law and regulations applicable to such accounts.*

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

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

18 **“SEC. 20. CRIMINAL JURISDICTION.**

19 *“(a) IN GENERAL.—Except as otherwise provided by*
20 *Congress, jurisdiction over offenses committed anywhere*
21 *within the exterior boundaries of any grant from a prior*
22 *sovereign, as confirmed by Congress or the Court of Private*
23 *Land Claims to a Pueblo Indian tribe of New Mexico shall*
24 *be provided in this section.*

25 *“(b) JURISDICTION OF THE PUEBLO.—The Pueblo has*
26 *jurisdiction, as an act of the Pueblos inherent power as an*

1 *Indian tribe, over any offense committed by a member of*
2 *the Pueblo or an Indian, as defined in section 201 of the*
3 *Act of April 11, 1968 (25 U.S.C. 1301), or by any other*
4 *Indian-owned entity.*

5 “(c) *JURISDICTION OF THE UNITED STATES.—The*
6 *United States has jurisdiction over any offense described*
7 *in chapter 53 of title 18, United States Code, committed*
8 *by or against an Indian as defined in section 201 of the*
9 *Act of April 11, 1968 (25 U.S. C. 1301) or any Indian-*
10 *owned entity, or that involves any Indian property or in-*
11 *terest.*

12 “(d) *JURISDICTION OF THE STATE OF NEW MEXICO.—*
13 *The State of New Mexico shall have jurisdiction over any*
14 *offense committed by a person who is not a member of a*
15 *Pueblo or an Indian tribe, as defined in section 201 of the*
16 *Act of April 11, 1968 (25 U.S.C. 1301) which offense is*
17 *not subject to the jurisdiction of the United States.”.*

18 **TITLE II—INDIAN LAND LEASING**

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

20 “(a) *IN GENERAL.—The Secretary of the Army shall*
21 *convey all right, title, and interest of the United States in*
22 *and to the land described in subsection (b), including all*
23 *improvements, cultural resources, and sites on the land,*
24 *subject to the flowage and sloughing easement described in*

1 subsection (d) and to the conditions stated in subsection (f),
2 to the Secretary of the Interior, to be—

3 (1) held in trust by the United States for the
4 benefit of the Prairie Island Indian Community in
5 Minnesota; and

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

8 (b) *LAND DESCRIPTION.*—The land to be conveyed
9 under subsection (a) is the approximately 1290 acres of
10 land associated with the Lock and Dam #3 on the Mis-
11 sissippi River in Goodhue County, Minnesota, located in
12 tracts identified as GO-251, GO-252, GO-271, GO-277,
13 GO-278, GO-284, GO-301 through GO-313, GO-314A,
14 GO-314B, GO-329, GO-330A, GO-330B, GO-331A, GO-
15 331B, GO-331C, GO-332, GO-333, GO-334, GO-335A,
16 GO-335B, GO-336 through GO-338, GO-339A, GO-339B,
17 GO-339C, GO-339D, GO-339E, GO-340A, GO-340B,
18 GO-358, GO-359A, GO-359B, GO-359C, GO-359D, and
19 GO-360, as depicted on the map entitled “United States
20 Army Corps of Engineers survey map of the Upper Mis-
21 sissippi River 9-Foot Project, Lock & Dam No. 3 (Red
22 Wing), Land & Flowage Rights” and dated December 1936.
23 (c) *BOUNDARY SURVEY.*—Not later than 5 years after
24 the date of conveyance under subsection (a), the boundaries

1 *of the land conveyed shall be surveyed as provided in section*
2 *2115 of the Revised Statutes (25 U.S.C. 176).*

3 *(d) EASEMENT.—*

4 *(1) IN GENERAL.—The Corps of Engineers shall*
5 *retain a flowage and sloughing easement for the pur-*
6 *pose of navigation and purposes relating to the Lock*
7 *and Dam No. 3 project over the portion of the land*
8 *described in subsection (b) that lies below the ele-*
9 *vation of 676.0.*

10 *(2) INCLUSIONS.—The easement retained under*
11 *paragraph (1) includes—*

12 *(A) the perpetual right to overflow, flood,*
13 *and submerge property as the District Engineer*
14 *determines to be necessary in connection with the*
15 *operation and maintenance of the Mississippi*
16 *River Navigation Project; and*

17 *(B) the continuing right to clear and re-*
18 *move any brush, debris, or natural obstructions*
19 *that, in the opinion of the District Engineer,*
20 *may be detrimental to the project.*

21 *(e) OWNERSHIP OF STURGEON LAKE BED UNAF-*
22 *FECTED.—Nothing in this section diminishes or otherwise*
23 *affects the title of the State of Minnesota to the bed of Stur-*
24 *geon Lake located within the tracts of land described in sub-*
25 *section (b).*

1 (f) *CONDITIONS.—The conveyance under subsection (a)*
2 *is subject to the conditions that the Prairie Island Indian*
3 *Community shall not—*

4 (1) *use the conveyed land for human habitation;*

5 (2) *construct any structure on the land without*
6 *the written approval of the District Engineer; or*

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

10 (g) *NO EFFECT ON ELIGIBILITY FOR CERTAIN*
11 *PROJECTS.—Notwithstanding the conveyance under sub-*
12 *section (a), the land shall continue to be eligible for environ-*
13 *mental management planning and other recreational or*
14 *natural resource development projects on the same basis as*
15 *before the conveyance.*

16 (h) *EFFECT OF SECTION.—Nothing in this section di-*
17 *minishes or otherwise affects the rights granted to the*
18 *United States pursuant to letters of July 23, 1937, and No-*
19 *vember 20, 1937, from the Secretary of the Interior to the*
20 *Secretary of War and the letters of the Secretary of War*
21 *in response to the Secretary of the Interior dated August*
22 *18, 1937, and November 27, 1937, under which the Sec-*
23 *retary of the Interior granted certain rights to the Corps*
24 *of Engineers to overflow the portions of Tracts A, B, and*
25 *C that lie within the Mississippi River 9-Foot Channel*

1 *Project boundary and as more particularly shown and de-*
2 *picted on the map entitled “United States Army Corps of*
3 *Engineers survey map of the Upper Mississippi River 9-*
4 *Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flow-*
5 *age Rights” and dated December 1936.*

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

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

10 (1) by inserting “the reservation of the Confed-
11 erated Tribes of the Umatilla Indian Reservation,”
12 before “the Burns Paiute Reservation,”;

13 (2) by inserting “the” before “Yavapai-Prescott”;

14 (3) by inserting “the Muckleshoot Indian Res-
15 ervation and land held in trust for the Muckleshoot
16 Indian Tribe,” after “the Cabazon Indian reserva-
17 tion,”;

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

21 (5) by striking “the lands comprising the Moses
22 Allotment Numbered 10, Chelan County, Wash-
23 ington,” and inserting the following: “the lands com-
24 prising the Moses Allotment Numbered 8 and the

1 *Moses Allotment Numbered 10, Chelan County, Wash-*
2 *ington”;* and

3 (6) *by inserting “land held in trust for the Yurok*
4 *Tribe, land held in trust for the Hopland Band of*
5 *Pomo Indians of the Hopland Rancheria,” after*
6 *“Pueblo of Santa Clara,”.*

7 (b) *EFFECTIVE DATE.—The amendments made by sub-*
8 *section (a) shall apply only to any lease entered into or*
9 *renewed after the date of the enactment of this Act.*

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1ST Session

H. R. 3351

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