

109TH CONGRESS
2^D SESSION

H. R. 3351

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2005

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Read twice and referred to the Committee on Indian Affairs

AN ACT

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,*

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

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

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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. Paskenta Band of Nomlaki Indians 99-year lease authority.

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

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

11 (a) LOAN GUARANTIES AND INSURANCE.—Section
12 201 of the Indian Financing Act of 1974 (25 U.S.C.
13 1481) is amended—

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

16 “the Secretary may—

17 “(1) guarantee”;

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

3 “Indians; or

4 “(2) to insure”;

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

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

8 “(a) IN GENERAL.—In order”; and

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

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

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

16 **“SEC. 204. LOAN APPROVAL.”.**

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

20 (1) by striking “SEC. 205.” and all that follows
21 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
4 guaranteed or insured under this title, including the secu-
5 rity given for the loan—

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

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

9 “(b) TRANSFERS OF LOANS.—With respect to a
10 transfer 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
15 transfer to the Secretary.”;

16 (2) by striking subsection (c);

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

20 (4) in paragraph (2) of subsection (c) (as reded-
21 icated by paragraph (3))—

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

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

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

5 (A) by striking “The Secretary” and in-
6 serting 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
11 subsection (f) may be compensated through any of
12 the 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
16 at 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)”;

23 (B) in paragraph (2)(B), by striking “,
24 and 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 Rev-
4 enue Code of 1954, as amended,” and inserting “Internal
5 Revenue Code of 1986 (except loans made by certified
6 Community Development Finance Institutions)”.

7 (e) AGGREGATE LOANS OR SURETY BONDS LIMITA-
8 TION.—Section 217(b) of the Indian Financing Act of
9 1974 (25 U.S.C. 1497(b)) is amended by striking
10 “\$500,000,000” 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 sec-
14 tion of the Act of August 9, 1955 (25 U.S.C. 415(f)), is
15 amended—

16 (1) in the first sentence, by striking “Any
17 lease” and all that follows through “affecting land”
18 and inserting “Any contract, including a lease, af-
19 fecting 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
24 subsection (a) shall take effect as if included in Public
25 Law 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.
5 1629b) (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)”;

9 (2) by inserting “or amendment” after “meet-
10 ing relating to such resolution” each place it ap-
11 pears.

12 (b) TECHNICAL CORRECTIONS.—

13 (1)(A) Section 337(a) of the Department of the
14 Interior and Related Agencies Appropriations Act,
15 2003 (Division F of Public Law 108–7; 117 Stat.
16 278; February 20, 2003) is amended—

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

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

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
5 Settlement 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
14 “Section 1629e(a)(3) of title 43, United States
15 Code,” and inserting “Section 39(a)(3) of the Alas-
16 ka Native Claims Settlement Act (43 U.S.C.
17 1629e(a)(3))”.

18 (B) Section 39(a)(3)(B)(ii) of the Alaska Na-
19 tive Claims Settlement Act (43 U.S.C.
20 1629e(a)(3)(B)(ii)) is amended by striking “(a)(4)
21 of section 1629b of this title” and inserting “section
22 36(a)(4)”.

23 (3) The amendments made by this subsection
24 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
10 the Indian Tribal Justice Act (25 U.S.C. 3621) are
11 amended 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
15 Native Claims Settlement Act (43 U.S.C. 1601 et seq.)
16 to a Native Corporation and reconveyed by that Native
17 Corporation, or a successor in interest, in exchange for
18 any other land or interest in land in the State of Alaska
19 and located within the same region (as defined in section
20 9(a) of the Alaska Native Claims Settlement Act (43
21 U.S.C. 1608(a)), to a Native Corporation under an ex-
22 change or other conveyance, shall be deemed, notwith-
23 standing the conveyance or exchange, to have been con-
24 veyed 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
6 of Mississippi and deposit such funds in trust account
7 number PL7489708 at the Office of Trust Funds Man-
8 agement for the benefit of the Mississippi Band of Choc-
9 tow Indians, as set forth in the agreement executed by
10 the Mississippi Department of Transportation on June 7,
11 2005, and by the Mississippi Band of Choctaw Indians
12 on June 2, 2005. Thereafter, the tribe may draw down
13 these moneys from this trust account by resolution of the
14 Tribal Council, pursuant to Federal law and regulations
15 applicable to such accounts.

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

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

19 **“SEC. 20. CRIMINAL JURISDICTION.**

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

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

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

14 “(d) JURISDICTION OF THE STATE OF NEW MEX-
15 ICO.—The State of New Mexico shall have jurisdiction
16 over any offense committed by a person who is not a mem-
17 ber of a Pueblo or an Indian tribe, as defined in section
18 201 of the Act of April 11, 1968 (25 U.S.C. 1301) which
19 offense is not subject to the jurisdiction of the United
20 States.”.

21 **TITLE II—INDIAN LAND LEASING**

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

23 (a) IN GENERAL.—The Secretary of the Army shall
24 convey all right, title, and interest of the United States
25 in and to the land described in subsection (b), including

1 all improvements, cultural resources, and sites on the land,
2 subject to the flowage and sloughing easement described
3 in subsection (d) and to the conditions stated in subsection
4 (f), to the Secretary of the Interior, to be—

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

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

10 (b) LAND DESCRIPTION.—The land to be conveyed
11 under subsection (a) is the approximately 1290 acres of
12 land associated with the Lock and Dam #3 on the Mis-
13 sissippi River in Goodhue County, Minnesota, located in
14 tracts identified as GO-251, GO-252, GO-271, GO-277,
15 GO-278, GO-284, GO-301 through GO-313, GO-314A,
16 GO-314B, GO-329, GO-330A, GO-330B, GO-331A,
17 GO-331B, GO-331C, GO-332, GO-333, GO-334, GO-
18 335A, GO-335B, GO-336 through GO-338, GO-339A,
19 GO-339B, GO-339C, GO-339D, GO-339E, GO-340A,
20 GO-340B, GO-358, GO-359A, GO-359B, GO-359C,
21 GO-359D, and GO-360, as depicted on the map entitled
22 “United States Army Corps of Engineers survey map of
23 the Upper Mississippi River 9-Foot Project, Lock & Dam
24 No. 3 (Red Wing), Land & Flowage Rights” and dated
25 December 1936.

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

6 (d) EASEMENT.—

7 (1) IN GENERAL.—The Corps of Engineers
8 shall retain a flowage and sloughing easement for
9 the purpose of navigation and purposes relating to
10 the Lock and Dam No. 3 project over the portion of
11 the land described in subsection (b) that lies below
12 the elevation of 676.0.

13 (2) INCLUSIONS.—The easement retained under
14 paragraph (1) includes—

15 (A) the perpetual right to overflow, flood,
16 and submerge property as the District Engineer
17 determines to be necessary in connection with
18 the operation and maintenance of the Mis-
19 sissippi River Navigation Project; and

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

24 (e) OWNERSHIP OF STURGEON LAKE BED UNAF-
25 FECTED.—Nothing in this section diminishes or otherwise

1 affects the title of the State of Minnesota to the bed of
2 Sturgeon Lake located within the tracts of land described
3 in subsection (b).

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

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

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

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

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

19 (h) EFFECT OF SECTION.—Nothing in this section
20 diminishes or otherwise affects the rights granted to the
21 United States pursuant to letters of July 23, 1937, and
22 November 20, 1937, from the Secretary of the Interior
23 to the Secretary of War and the letters of the Secretary
24 of War in response to the Secretary of the Interior dated
25 August 18, 1937, and November 27, 1937, under which

1 the Secretary of the Interior granted certain rights to the
2 Corps of Engineers to overflow the portions of Tracts A,
3 B, and C that lie within the Mississippi River 9-Foot
4 Channel Project boundary and as more particularly shown
5 and depicted on the map entitled “United States Army
6 Corps of Engineers survey map of the Upper Mississippi
7 River 9-Foot Project, Lock & Dam No. 3 (Red Wing),
8 Land & Flowage Rights” and dated December 1936.

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

10 (a) IN GENERAL.—Subsection (a) of the first section
11 of the Act of August 9, 1955 (25 U.S.C. 415(a)), is
12 amended in the second sentence—

13 (1) by inserting “the reservation of the Confed-
14 erated Tribes of the Umatilla Indian Reservation,”
15 before “the Burns Paiute Reservation,”;

16 (2) by inserting “the” before “Yavapai-Pres-
17 cott”;

18 (3) by inserting “the Muckleshoot Indian Res-
19 ervation and land held in trust for the Muckleshoot
20 Indian Tribe,” after “the Cabazon Indian reserva-
21 tion,”;

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

1 (5) by striking “the lands comprising the Moses
2 Allotment Numbered 10, Chelan County, Wash-
3 ington,” and inserting the following: “the lands com-
4 prising the Moses Allotment Numbered 8 and the
5 Moses Allotment Numbered 10, Chelan County,
6 Washington”; and

7 (6) by inserting “land held in trust for the
8 Yurok Tribe, land held in trust for the Hopland
9 Band of Pomo Indians of the Hopland Rancheria,”
10 after “Pueblo of Santa Clara,”.

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

14 **SEC. 203. PASKENTA BAND OF NOMLAKI INDIANS 99-YEAR**
15 **LEASE AUTHORITY.**

16 Notwithstanding section 17 of the Act of June 18,
17 1936 (25 U.S.C. 477; commonly known as the Indian Re-
18 organization Act), the Paskenta Band of Nomlaki Indians
19 is granted 99-year lease authority over its reservation
20 land.

Passed the House of Representatives November 16,
2005.

Attest:

JEFF TRANDAHL,

Clerk.