

## Calendar No. 529

108TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 108-273

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### MAKING TECHNICAL CORRECTIONS TO LAWS RELATING TO NATIVE AMERICANS, AND FOR OTHER PURPOSES

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MAY 20, 2004.—Ordered to be printed

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Mr. CAMPBELL, from the Committee on Indian Affairs,  
submitted the following

### R E P O R T

[To accompany S. 1955]

The Committee on Indian Affairs, to which was referred the bill (S. 1955), a bill to make technical corrections to laws relating to Native Americans, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

#### PURPOSE

The purpose of S. 1955 is to address a number of specific provisions related to Indians or Indian tribes in one bill, obviating the need for the introduction and enactment of separate smaller bills. S. 1955 contains sixteen provisions, including the extension of several expiring authorizations, amending provisions of statutes relating to particular Indian tribes, and modifying certain Native American programs.

#### BACKGROUND

S. 1955 contains separate provisions dealing with a variety of topics including the re-authorization of statutes authorizing Native American programs such as the Indian Tribal Justice Technical and Legal Assistance Act and the Indian Tribal Justice Act. The bill also provides for technical amendments to provisions relating to particular Indian tribes and to general laws relating to Native American programs. A more detailed explanation of each amendment is included in the section-by-section analysis included in this report.

## LEGISLATIVE HISTORY

The Native American Technical Corrections Act of 2004 (S. 1955) was introduced on November 25, 2003 by Senator Campbell and was referred to the Committee on Indian Affairs. On April 7, 2004, the Committee on Indian Affairs convened a business meeting to consider S. 1955 and other measures that had been referred to it, and on that date the Committee favorably reported a substitute amendment to S. 1955.

## COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

On April 7, 2004, the Committee on Indian Affairs, in an open business session, adopted an amendment in the nature of a substitute to S. 1955 by voice vote and ordered the bill, as amended, reported favorably to the Senate.

## SECTION-BY-SECTION ANALYSIS OF THE SUBSTITUTE AMENDMENT

*Section 1. Short Title: Table of Contents*

Section 1 provides the short title of the Act as the Native American Technical Corrections Act of 2004 and provides a Table of Contents for the bill.

*Section 2. Definition of Secretary*

Section 2 defines the term “Secretary” to mean the Secretary of the Interior.

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

*Section 101. National Fund for Excellence in American Indian Education*

Section 101 provides for a statutory name change of the American Indian Education Foundation, created under Public Law 106–568, to the “National Fund for Excellence in American Indian Education.”

*Section 102. Indian Financing Act Amendments*

Section 102 amends the Indian Financing Act of 1974 (Pub. L. 93–262) to clarify that non-profit tribal entities are eligible for the Bureau of Indian Affairs (BIA) Loan Guaranty Program. In addition, because the BIA is fast reaching its \$500 million limit on the amount of loans it can have outstanding, this section will increase that number to \$1.5 billion. Finally, this section makes Community Development Finance Institutions (CDFIs) eligible as lenders for the BIA Loan Guaranty program.

*Section 103. Indian Tribal Justice Technical and Legal Assistance*

Section 103 extends the authorization for appropriations contained in section 106 of the Indian Tribal Justice Technical and Legal Assistance Act (Pub. L. 106–559, 25 U.S.C. 3666, 3681(d)) through fiscal year 2010. This section appropriates funding for tribal civil legal assistance grants.

*Section 104. Tribal Justice Systems*

Section 104 re-authorizes section 201 of the Indian Tribal Justice Act (Pub. L. 106–559, 25 U.S.C. 3621) through fiscal year 2010. This section authorizes appropriations for Indian tribal court grants.

*Section 105. Crow Tribal Trust Fund*

Section 105 amends the Crow Boundary Settlement Act of 1994 (25 U.S.C. 1776, et seq.) which established an \$85 million trust fund as the result of the Crow Tribe settling a boundary dispute with the United States. Section 107 clarifies that capital gains on the Crow Tribal Trust Fund are available for distribution to the Tribe for the same uses and subject to the same restrictions as for interest distributions. The capital gains distributions will not result in a reduction in the principal of the Fund below \$85 million.

*Section 106. Fallon Paiute-Shoshone Tribe Settlement Fund*

Section 106 amends the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 (Pub. L. 101–618, 104 Stat. 3289) to adjust the spending rule set forth in that Act for the Tribe’s Settlement Fund. The Settlement Fund was fully appropriated in 1995 and currently contains \$43 million. Section 106 would authorize expenditure of 6% of the average market value of the Settlement Fund over the preceding three years. Current authorization to temporarily spend 20% of the Funds principal would be eliminated.

*Section 107. ANCSA Amendment*

Section 107 clarifies that lands conveyed by the Federal Government pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) retain their non-taxable status after an exchange of land between Alaska Native Corporations. While Congress has enacted a number of provisions to ANCSA clarifying when specific lands retain their status as ANCSA lands on a case-by-case basis, there is no single provision that clearly states that ANCSA lands exchanged between Native Corporations retain all the rights and privileges of ANCSA Lands. Section 107 provides that ANCSA lands retain that “status” when the lands are exchanged between Native Corporations.

*Section 108. Native Hawaiian Cultural Activities*

Section 108 amends the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7515(a)(3)) to support a program of research and educational activities related to Native Hawaiian culture, history, and law. Programs include graduate-level classroom and clinical instruction in the field of Native Hawaiian law; scholarships for students undertaking off-campus internships; and sponsorship of educational forums address Native Hawaiian law.

TITLE II—ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK  
RESERVATION

*Section 201. Short Title*

This title may be cited as the Assiniboine and Sioux Tribes of the Fort Peck Reservation Judgment Fund Distribution Act of 2003.

*Section 202. Findings*

Congress finds in the case of the Assiniboine and Sioux Tribes of the *Fort Peck Reservation v. United States of America* (Docket No. 773-87-L) that the United States is liable for income derived from investment of tribal trust funds.

*Section 203. Definitions*

Section 203 defines the terms “Court”, “Distribution Amount”, “Judgment Amount”, “Principal Indebtedness”, and “Tribe”.

*Section 204. Distribution of Judgment Funds*

This section authorizes the distribution of judgment funds to the tribe and various tribal programs.

*Section 205. Applicable Law*

All funds distributed under this title are subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

TITLE III—INDIAN LAND LEASING

*Section 301. Authorization of 99-Year Leases*

This section amends Subsection (a) of the Act of August 9, 1955, 25 U.S.C. 415, to provide that leases of restricted lands held by the Confederated Tribes of the Umatilla Indian Reservation, the Yurok Tribe, the Hopland Rancheria, The Fallon Paiute Shoshone Tribe, and the Muckleshoot Tribe may be of terms not to exceed 99 years.

*Section 302. Certification of Rental Proceeds*

This section provides that any revenues accrued from renting lands acquired under the Farmers Home Administration Direct Loan Account, 25 U.S.C. 488, shall be considered the rental value of that land and considered the appraisal value of that land.

*Section 303. Montana Indian Tribes; Agreement with Dry Prairie Rural Water Association, Incorporated*

Section 303 provides that the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation may enter into a lease agreement with the Dry Prairie Rural Water Association under the Fort Peck-Montana Compact. The term of the lease shall not exceed 100 years.

*Section 304. Approval of, and Regulations Relating to, Tribal Leases*

Section 304 provides that notwithstanding section (a) of 25 U.S.C. 415, any restricted Indian land that is owned by an Indian tribe may be leased by a tribe, with the approval of the Secretary of the Interior, for a term of not longer than 99 years for any public, religious, educational or business purpose. Energy exploration and storage of hazardous waste materials are specifically excluded from this provision.

## TITLE IV—NAVAJO HEALTH CONTRACTING

*Section 401. Navajo Health Contracting*

Section 401 authorizes the Navajo Health Foundation/Sage Memorial Hospital on the Navajo Indian reservation to be considered a tribal contractor under the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f et seq.) for the purposes of contract negotiations with the Secretary of the U.S. Department of Health and Human Services.

## COST AND BUDGETARY CONSIDERATIONS

The cost estimate for S. 1955 as calculated by the Congressional Budget Office, is set forth below:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 20, 2004.*

Hon. BEN NIGHTHORSE CAMPBELL,  
*Chairman, Committee on Indian Affairs,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1955, the Native American Technical Corrections Act of 2004.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lanette J. Walker.

Sincerely,

ELIZABETH M. ROBINSON  
(For Douglas Holtz-Eakin, Director).

Enclosure.

*S. 1955—Native American Technical Corrections Act of 2004*

Summary: S. 1955 would authorize appropriations for programs of the Department of Justice and Department of the Interior that support courts and other judicial systems for Indian Tribes. CBO estimates that implementing S. 1955 would cost \$2 million in 2005 and \$137 million over the 2005–2009 period, assuming appropriation of the necessary amounts.

S. 1955 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost the Federal Government: The estimated budgetary impact of S. 1955 is shown in the following table. The cost of this legislation would fall within budget functions 450 (community and regional development) and 750 (administration of justice).

Basis of estimate: For this estimate, CBO assumes that S. 1955 will be enacted by the beginning of calendar year 2005 and that the necessary amounts will be appropriated for each fiscal year.

	By fiscal year, in millions of dollars—					
	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT TO APPROPRIATION						
Spending under Current Law for Tribal Justice Programs:						
Department of Justice:						
Budget Authority <sup>1</sup> .....	8	0	0	0	0	0
Estimated Outlays .....	7	5	4	3	1	0

	By fiscal year, in millions of dollars—					
	2004	2005	2006	2007	2008	2009
Department of the Interior:						
Authorization Level .....	0	58	58	58	0	0
Estimated Outlays .....	0	52	58	58	6	0
Proposed Changes:						
Department of Justice:						
Estimated Authorization Level .....	0	8	8	8	9	9
Estimated Outlays .....	0	2	4	6	7	8
Department of the Interior:						
Authorization Level .....	0	0	0	0	58	58
Estimated Outlays .....	0	0	0	0	52	58
Total Proposed Changes:						
Estimated Authorization Level .....	0	8	8	8	67	67
Estimated Outlays .....	0	2	4	6	59	66
Spending under S. 1955 for Tribal Justice Programs:						
Estimated Authorization Level <sup>1</sup> .....	8	66	66	66	67	67
Estimated Outlays .....	7	59	66	67	66	66

<sup>1</sup> The Congress provided \$8 million to the Department of Justice for Tribal Justice programs in 2004.

**Indian Tribal Justice Technical and Legal Assistance.** Section 103 would authorize the appropriation of such sums as may be necessary for fiscal years 2005 through 2009 to the Department of Justice to provide grants to support tribal courts and legal assistance programs. In 2004, a total of \$8 million was appropriated for these programs. For this estimate, CBO adjusted the 2004 appropriation for this program for anticipated inflation over the 2005–2009 period.

**Tribal Justice Systems.** Section 104 would authorize the appropriation of \$58 million over the 2008–2010 period to the Department of the Interior to provide grants to Indian tribes to support tribal justice systems and for the administrative expenses of the Office of Tribal Justice Support. These grants could be used to hire judicial personnel, provide technical assistance and training, offer victim assistance, acquire law library materials, or for similar purposes. CBO estimates that implementing this provision would cost \$110 million in 2008 and 2009, subject to the appropriation of the specified amounts.

**Intergovernmental and private-sector impact:** S. 1955 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

**Estimate prepared by:** Federal Costs: Mark Grabowitz—Indian Tribal Justice Technical and Legal Assistance and Lanette J. Walker—Tribal Justice Systems. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Selena Caldera.

**Estimate approved by:** Robert A. Sunshine, Assistant Director for Budget Analysis.

#### REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill to evaluate the regulatory paperwork impact that would be incurred in implementing the legislation. The Committee has concluded that enactment of S. 1955 will create only de minimis regulatory or paperwork burdens.

## EXECUTIVE COMMUNICATIONS

The Committee has received no official communication from the Administration on the provisions of the bill.

## CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the enactment of S. 1955 will result in the following changes in existing law, (with existing law proposed to be omitted is enclosed in black brackets and the new language to be added in italic):

**NATIONAL FUND FOR EXCELLENCE IN AMERICAN  
INDIAN EDUCATION**

(Pub. L. 106-568)

25 U.S.C. 458bbb

Section 501 of the Indian Self-Determination and Education Assistance Act is amended as follows:

SEC. 501. **【American Indian Education Foundation】** *National Fund for Excellence in American Indian Education.*

(a) **IN GENERAL.**—As soon as practicable after December 27, 2000, the Secretary of the Interior shall establish, under the laws of the District of Columbia and in accordance with this part, the **【American Indian Education Foundation】** *National Fund for Excellence in American Indian Education.*

25 U.S.C. 458bbb-2(2)

Section 503(2) of the Indian Self-Determination and Education Assistance Act is amended as follows: (2) the term “Foundation” means the **【Foundation】** *National Fund for Excellence in American Indian Education.*

**INDIAN FINANCING ACT AMENDMENTS**

(Pub. L. 93-262)

25 U.S.C. 1481

Section 201 of Public Law 93-262 is amended as follows:

**【SEC. 201. In order】** *SEC. 201. Loan Guaranties and Insurance.*

(a) **IN GENERAL.**—*In order* to provide access to private money sources which otherwise would not be available, **【the Secretary is authorized (a) to guarantee】** *the Secretary may—*

(1) *guarantee*; not to exceed 90 per centum of the unpaid principal and interest due on any loan made to any organization of Indians having a form or organization satisfactory to the Secretary, and to individual **【Indians; and (b) in lieu of such guaranty, to insure】** *Indians; or*

(2) *to insure*; loans under an agreement approved by the Secretary whereby the lender will be reimbursed for losses in an amount not to exceed 15 per centum of the aggregate of such loans made by it, but not to exceed 90 per centum of the loss on any one loan.

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

25 U.S.C. 1484

Section 204 of the Indian Financing Act of 1974 is amended as follows:

**[SEC. 204.] SEC. 204. LOAN APPROVAL.**

25 U.S.C. 1486

Section 206 of the Indian Financing Act of 1974 is amended as follows:

**SEC. 206.** Loans made by any agency or instrumentality of the Federal Government, or by an organization of Indians from funds borrowed from the United States, and loans the interest on which is not included in gross income for the purposes of chapter 1 of the **[Internal Revenue Code of 1954, as amended,]** *Internal Revenue Code of 1936 (except loans made by certified Community Development Finance Institutions)* shall not be eligible for guaranty or insurance hereunder.

25 U.S.C. 1497(b)

Section 217(b) of the Indian Financing Act of 1974 is amended as follows:

The Secretary may use the fund for the purpose of fulfilling the obligations with respect to loans or surety bonds guaranteed or insured under this title, but the aggregate of such loans or surety bonds which are insured or guaranteed by the Secretary shall be limited to **[\$500,000,000]** *\$1,500,000,000*.

#### **INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE**

(Pub. L. 106–559)

25 U.S.C. 3666

Section 106 of the Indian Tribal Justice Technical and Legal Assistance Act is amended as follows:

For purposes of carrying out the activities under this subchapter, there are authorized to be appropriated such sums as are necessary for fiscal years **[2000]** *2004* through **[2004]** *2010*.

25 U.S.C. 3681(d)

Section 201(d) of the Indian Tribal Justice Technical and Legal Assistance Act is amended as follows:

For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years **[2000]** *2004* through **[2004]** *2010*.

## INDIAN TRIBAL JUSTICE SYSTEMS

(Pub. L. 106–559)

25 U.S.C. 3621(a)(b)(c)(d)

Section 201 of the Indian Tribal Justice Act are amended as follows:

(a) There is authorized to be appropriated to carry out the provisions of sections 3611 and 3612 of this title, \$7,000,000 for each of the fiscal years 2000 through **[2007]** 2010. None of the funds provided under this subsection may be used for the administrative expenses of the office.

(b) There is authorized to be appropriated to carry out the provisions of section 3613 of this title \$50,000,000 for each of the fiscal years 2000 through **[2007]** 2010.

(c) There is authorized to be appropriated, for the administrative expenses of the Office, \$500,000 for each of the fiscal years 2000 through **[2007]** 2010.

(d) There is authorized to be appropriated, for the administrative expenses of tribal judicial conferences, \$500,000 for each of the fiscal years 2000 through **[2007]** 2010.

## CROW TRIBAL TRUST FUND

(Pub. L. 103–444)

25 U.S.C. 1776d(d)

Section 6(d) of the Crow boundary Settlement Act of 1994 is amended as follows:

(d) DISTRIBUTION OF INTEREST AND CAPITAL GAINS.—

(1) IN GENERAL.—**[Only]** *Except as provided in paragraph (4), only*; the interest received on funds in the Crow Tribal Trust Fund shall be available for distribution by the Secretary to the Crow Tribe for use for education, land acquisition, economic development, youth and elderly programs or other tribal purposes in accordance with plans and budgets developed and approved by the Crow Tribe and approved by the Secretary.

(2) Requirements for distribution of interest commencing with fiscal year 1996 and for each fiscal year thereafter, without fiscal year limitation, the interest received on monies in the Crow Tribal Trust Fund shall be available for distribution under this subsection only if—

(A) the United States and the Crow Tribe enter into the Settlement Agreement; and

(B) the requirements of section 1776g of this title relating to the approval and execution of the Settlement Agreement are satisfied.

(3) PROHIBITION—No portion of the Crow Tribal Trust Fund or the interest earned on the Crow Tribal Trust Fund may be distributed to members of the Crow Tribe on a per capita basis.

(4) DISTRIBUTION OF CAPITAL GAINS.—*Notwithstanding subsection (f) of any other provision of law, capital gains and any other non-interest income received on funds in the Crow Tribal Trust Fund shall be available for distribution by the Secretary to the Crow Tribe to the extent that the balance in the Crow*

*Tribal Trust Fund (including capital gains) exceeds \$85,000,000 for the same uses and subject to the same restrictions in paragraphs (1) and (3) as are applicable to distributions of interest.*

**FALLON PAIUTE-SHOSHONE TRIBE SETTLEMENT**

(Pub. L. 101–618)

104 Stat. 3289

Section 102(C) of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 (104 Stat. 3289) is amended as follows:

(C)(1) **[The income of the Fund may be obligated and expended only for the following purposes:]** Notwithstanding any conflicting provision in the original Fund plan during Fund fiscal year 2004 and during each subsequent Fund fiscal year, 6 percent of the average quarterly market value of the Fund during the immediately preceding 3 Fund fiscal years (referred to in this title as “Annual 6 percent Amount”), plus any unexpended and unobligated portion of the Annual 6 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2003, less any negative income that may accrue on that portion, may be expended or obligated only for the following purposes:

(a) Tribal economic development, including development of long-term profit-making opportunities for the Fallon Paiute-Shoshone Tribe (hereinafter referred to in the Act as “Tribes”) and its tribal members, and the development of employment opportunities for tribal members;

(b) Tribal governmental services and facilities;

(c) Per capita distributions to tribal members;

(d) Rehabilitation and betterment of the irrigation system on the Fallon Paiute Shoshone Indian Reservation (hereinafter referred to in the Act as “Reservation”) not including lands added to Reservation pursuant to the provisions of Public Law 95–337, 92 Stat. 455;

(e) Acquisition of lands, water rights or related property interests located outside the Reservation from willing sellers, and improvement of such lands;

(f) Acquisition of individually-owned land, water rights or related property interests on the Reservation from willing sellers, including those held in trust by the United States.

(g) *Fees and expenses incurred in connection with the investment of the Fund, for investment management, investment consulting, custodianship, and other transactional services or matters.*

(2) Except as provided in subsection (C)(3) of this section, the principal of the Fund shall not be obligated or expended.

(3) In obligating and expending funds for the purposes set forth in subsections (C)(1)(d), (C)(1)(e) and (C)(1)(f) of this section, the Tribes may obligate and expend no more than 20 percent of the principal of the Fund, provided that any amounts so obligated and expended from principal must be restored to the principal from repayments of such amounts expended for the purposes identified in this subsection, or from income earned on the remaining principal.

(4) **[In obligating and expending funds for the purpose set forth in subsection (C)(1)(c), no more than twenty percent of the annual income from the Fund may be obligated or expended for the purpose of providing per capita payments to tribal members.]** *No monies from the Fund other than the amounts authorized under paragraphs (1) and (3) may be expended or obligated for any purpose.*

(5) *Notwithstanding any conflicting provision in the original Fund plan, during Fund fiscal year 2004 and during each subsequent Fund fiscal year, not more than 20 percent of the Annual 6 percent Amount for the Fund fiscal year (referred to in this title as the "Annual 1.2 percent Amount") may be expended or obligated under paragraph (1)(c) for per capita distributions to tribal members, except that during each Fund fiscal year subsequent to Fund fiscal year 2004, any unexpended and unobligated portion of the Annual 1.2 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2003, less any negative income that may accrue on that portion, may also be expended or obligated for such per capita payments.*

(D) The Tribes shall invest, manage, and use the monies appropriated to the Fund for the purposes set forth in this section in accordance with the plan developed in consultation with the Secretary under subsection (F) of this section. *Notwithstanding any conflicting provision in the original Fund plan, the Fallon Business Council, in consultation with the Secretary, shall promptly amend the original Fund plan for the purposes of conforming the Fund plan to this title and making non-substantive updates, improvements, or corrections to the original Fund plan.*

(E) Upon the request of the Tribes, the Secretary shall invest the sums deposited in, accruing to, and remaining in the Fund, in interest-bearing deposits and securities in accordance with the Act of June 24, 1938, 52 Stat. 1037, 25 U.S.C. 162a, as amended. All income earned on such investments shall be added to the Fund.

(F)(1) The Tribes shall develop a plan, in consultation with the Secretary, for the investment, management, administration and expenditure of the monies in the Fund, and shall submit the plan to the Secretary. The plan shall set forth the manner in which such monies will be managed, administered, and expended for the purposes outlined in subsection (C)(1) of this section. Such plan may be revised and updated by the Tribes in consultation with the Secretary.

(2) The plan shall include a description of a project for the rehabilitation and betterment of the existing irrigation system on the Reservation. The rehabilitation and betterment project shall include measures to increase the efficiency of irrigation deliveries. The Secretary may assist in the development of the rehabilitation and betterment project, and the Tribes shall use its best efforts to implement the project within four years of the time when appropriations authorized in subsection (B) of this section become available.

(3) Upon the request of the Tribes, the Secretary of the Treasury and the Secretary of the Interior shall make available to the Tribes, monies from the Fund to serve any of the purposes set forth in subsection (C)(1) of this section, except that no disbursement shall be made to the Tribes unless and until they adopt the plan required under this section.

(G) The provisions of section 7 of Public Law 93–134, 87 Stat. 468, as amended by section 4 of Public Law 97–458, 96 Stat. 2513, 25 U.S.C. 1407, shall apply to any funds which may be distributed per capita under subsection (C)(1)(c) of this section.

104 Stat. 3293

Section 107 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 is amended as follows:

For the purposes of this title, and for no other purposes—

(A) the term “Fallon Paiute Shoshone Tribal Settlement Fund” or “Fund” means the Fund established under section 102(A) of this Act to enable the Fallon Paiute Shoshone Tribes to carry out the purposes set forth in section 102(C)(1) of this title;

[(B) the term “income” means all interest, dividends, gains and other earnings resulting from the investment of the principal of the Fallon Paiute Shoshone Tribal Settlement Fund, and the earnings resulting from the investment of such income;]

*(B) the term “Fund fiscal year” means a fiscal year of the fund (as defined in the Fund plan);*

[(C) the term “principal” means the total sum of monies appropriated to the Fallon Paiute Shoshone Tribal Settlement Fund under section 102(3) of this Act;]

*(C) the term “Fund plan” means the plan established under section 102(F), including the original Fund plan (the “Plan for Investment, Management, Administration and Expenditure dated December 20, 1991”) and all amendments of the Fund plan under subsection (D) or (F)(1) of section 102;*

*(D) the term “income” means the total net return from the investment of the Fund, consisting of all interest, dividends, realized and unrealized gains and losses, and other earnings, less all related fees and expenses incurred for investment management, investment consulting, custodianship and transactional services or matters;*

*(E) the term “principal” means the total amount appropriated to the Fallon Paiute Shoshone Tribal Settlement Fund under section 102(B);*

[(D)] *(F) the term “Reservation” means the lands set aside for the benefit of the Fallon Paiute Shoshone Tribes by the orders of the Department of the Interior of April 20, 1907, and November 21, 1917, as expanded and confirmed by the Act of August 4, 1978, Public Law 95–337, 92 Stat. 457;*

[(E)] *(G) the term “Secretary” means the Secretary of the Department of the Interior;*

[(F)] *(H) the term “tribal members” means the enrolled members of the Fallon Paiute Shoshone Tribes; and*

[(G)] *(I) the term “tribes” means the Fallon Paiute-Shoshone Tribe.*

## NATIVE HAWAIIAN CULTURAL ACTIVITIES

20 U.S.C. 7515(a)(3)

Section 7205(a)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7515(a)(3)) is amended as follows:

(K) **[**other research and evaluation activities related to programs carried out under this part; and**]** *research and educational activities relating to Native Hawaiian culture, history, and law.*

**[K]** *(L)* **[**other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.**]** *other research and evaluation activities related to programs carried out under this part; and*

**[L]** *(M)* **[**other activities consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.**]** *other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.*

## AUTHORIZATION OF 99-YEAR LEASES

(Pub. L. )

25 U.S.C. 415(a)

(a) **AUTHORIZED PURPOSES; TERM; APPROVAL BY SECRETARY.**— Any restricted Indian lands, whether tribally, or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with the operations under such leases, for grazing purposes, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops as determined by said Secretary. All leases so granted shall be for a term of not to exceed twenty-five years, except leases of land located outside the boundaries of Indian reservations in the State of New Mexico, leases of land on the Agua Caliente (Palm Springs) Reservation, the Dania Reservation, the Pueblo of Santa Ana (with the exception of the lands known as the “Santa Ana Pueblo Spanish Grant”) the Moapa Indian Reservation, the Swinomish Indian Reservation, the Southern Ute Reservation, the Fort Mojave Reservation, *the Reservation of the Confederated Tribes of the Umatilla Indian Reservation*, the Burns Paiute Reservation, the Coeur d’Alene Indian Reservation, the Kalispel Indian Reservation, the pueblo of Cochiti, the pueblo of Pojoaque, the pueblo of Tesuque, the pueblo of Zuni, the Hualapai Reservation, the Spokane Reservation, the San Carlos Apache Reservation, the Yavapai-Prescott Community Reservation, the Pyramid Lake Reservation, the Gila River Reservation, the Soboba Indian Reservation, the Viejas Indian Reservation, the Tulalip Indian Reservation, the Navajo Reservation, the Cabazon Indian Reservation, *The Muckleshoot Indian Reservation and land held in trust for the Muckleshoot Indian Tribe*, the Mille Lacs Indian Reservation with respect to a lease between an entity established by the Mille Lacs Band of Chippewa Indians and the Minnesota Historical Society,

leases of the lands comprising the Moses Allotment Numbered 10, Helen County, Washington, and lands held in trust for the Twenty-nine Palms Band of Luiseno Mission Indians, and lands held in trust for the Reno Sparks Indian Colony, lands held in trust for the Torres Martinez Desert Cahuilla Indians, lands held in trust for the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria, lands held in trust for the Confederated Tribes of the Umatilla Reservation, *lands held in trust for the Fallon Paiute Shoshone Tribes*, lands held in trust for the pueblo of Santa Clara, *land held in trust for the Yurok Tribe*, *land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria*, lands held in trust for the Confederated Tribes of the Coville Reservation, lands held in trust for the Cahuilla Band of Indians of California, lands held in trust for the Confederated Tribes of the Grand Ronde Community of Oregon, and the lands held in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, and leases to the Devils Lake Sioux Tribe, or any organization of such tribe, of land on the Devils Lake Sioux Reservation which may be for a term of not to exceed ninety-nine years, and except leases of land for grazing purposes which may be for a term of not to exceed ten years. Leases for public, religious, educational, recreational, residential, or business purposes (except leases the initial term of which extends for more than seventy-four years) with the consent of both parties may include provisions authorizing their renewal for one additional term of not to exceed twenty-five years, and all leases and renewals shall be made under such terms and regulations as may be prescribed by the Secretary of the Interior. Prior to approval of any lease or extension of an existing lease pursuant to this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject.

25 U.S.C. 415(h)

*(h) AUTHORIZATION OF LEASES OF TRIBALLY OWNED RESTRICTED LAND FOR TERMS OF 99 YEARS.—*

*(1) IN GENERAL.—Notwithstanding subsection (a), any restricted Indian land that is owned by an Indian tribe may be leased by the tribal owner, with the approval of the Secretary of the Interior, for a term of not longer than 99 years, for—*

*(A) public, religious, educational, recreational, residential, or business purposes; and*

*(B) any other purpose stated in subsection (a), unless the Secretary determines that the principal purpose of the lease is for—*

*(i) exploration, development, or extraction of a mineral resource; or*

*(ii) storage of materials listed as high level radioactive waste (as defined in section 2 of the Comprehen-*

*sive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).*

(2) *APPROVAL OF THE SECRETARY.—*

*(A) TIMING.—The Secretary shall approve or disapprove a lease described in subsection (a) or an amendment to such a lease not later than the date that is 180 days after the date on which an application for approval of the lease or lease amendment is submitted to the Secretary.*

*(B) FAILURE TO ACT.—If the Secretary fails to take action on an application for approval of a lease or lease amendment by the date specified in subparagraph (A), the Secretary shall be deemed to have approved the lease.*

