

TECHNICAL CORRECTIONS TO NATIVE AMERICAN LAWS

DECEMBER 30 (legislative day, DECEMBER 22), 1995.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 2726]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2726) to make certain technical corrections in laws relating to Native Americans, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. CORRECTION TO POKAGON RESTORATION ACT.

Section 9 of the Act entitled "An Act to restore Federal services to the Pokagon Band of Potawatomi Indians" (25 U.S.C. 1300j-7a) is amended—

- (1) by striking "Bands" each place it appears and inserting "Band";
- (2) in subsection (a), by striking "respective"; and
- (3) in subsection (b)—
 - (A) in paragraph (1)—
 - (i) in the first sentence—
 - (I) by striking "membership rolls that contain" and inserting "a membership roll that contains"; and
 - (II) by striking "in such" and inserting "in the"; and
 - (ii) in the second sentence, by striking "Each such" and inserting "The";
 - (B) in paragraph (2)—
 - (i) by striking "rolls have" and inserting "roll has"; and
 - (ii) by striking "such rolls" and inserting "such roll";
 - (C) in the heading for paragraph (3), by striking "ROLLS" and inserting "ROLL"; and
 - (D) in paragraph (3), by striking "rolls are maintained" and inserting "roll is maintained".

SEC. 2. CORRECTION TO ODAWA AND OTTAWA RESTORATION ACT.

(a) REAFFIRMATION OF RIGHTS.—The heading of section 5(b) of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k-3) is amended by striking “TRIBE” and inserting “BANDS”.

(b) MEMBERSHIP LIST.—Section 9 of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k-7) is amended—

(1) in subsection (a)—

(A) by striking “Band” the first place it appears and inserting “Bands”; and

(B) by striking “the Band.” and inserting “the respective Bands.”; and

(2) in subsection (b)(1)—

(A) in the first sentence, by striking “the Band shall submit to the Secretary membership rolls that contain the names of all individuals eligible for membership in such Band” and inserting “each of the Bands shall submit to the Secretary a membership roll that contains the names of all individuals that are eligible for membership in such Band”; and

(B) in the second sentence, by striking “The Band, in consultation” and inserting “Each such Band, in consultation”.

SEC. 3. INDIAN DAMS SAFETY ACT OF 1994.

Section 4(h) of the Indian Dams Safety Act of 1994 (25 U.S.C. 3803(h); 108 Stat. 1562) is amended by striking “(under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))), as amended,” and inserting “under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)”.

SEC. 4. PASCUA YAQUI INDIANS OF ARIZONA.

Section 4(b) of the Act entitled “An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes” (25 U.S.C. 1300f-3(b)) is amended by striking “Pascua Yaqui tribe” and inserting “Pascua Yaqui Tribe”.

SEC. 5. INDIAN LANDS OPEN DUMP CLEANUP ACT OF 1994.

Section 3(7) of the Indian Lands Open Dump Cleanup Act of 1994 (25 U.S.C. 3902(7); 108 Stat. 4165) is amended by striking “under section 6944 of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)” and inserting “under section 4004 of the Solid Waste Disposal Act (42 U.S.C. 6944)”.

SEC. 6. AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.

(a) MAINTENANCE OF RECORDS.—Section 303(c)(5)(D) of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4043(c)(5)(D); 108 Stat. 4247) is amended by striking “made under paragraph (3)(B)” and inserting “made under subparagraph (C)”.

(b) ADVISORY BOARD.—Section 306(d) of the Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4046(d); 108 Stat. 4249) is amended by striking “Advisory Board” and inserting “advisory board”.

SEC. 7. INDIAN SELF-DETERMINATION CONTRACT REFORM ACT OF 1994.

Section 102(11) of the Indian Self-Determination Contract Reform Act of 1994 (108 Stat. 4254) is amended by striking “subsection (e)” and inserting “subsection (e) of section 105”.

SEC. 8. AUBURN INDIAN RESTORATION.

(a) ECONOMIC DEVELOPMENT.—Section 203 of the Auburn Indian Restoration Act (25 U.S.C. 1300l-1) is amended—

(1) in subsection (a)(2), by striking “as provided in section 107” and inserting “as provided in section 207”; and

(2) in subsection (b), by striking “section 104” and inserting “section 204”.

(b) INTERIM GOVERNMENT.—The last sentence of section 206 of the Auburn Indian Restoration Act (25 U.S.C. 1300l-4) is amended by striking “Interim council” and inserting “Interim Council”.

SEC. 9. CROW BOUNDARY SETTLEMENT ACT OF 1994.

(a) ENFORCEMENT.—Section 5(b)(3) of the Crow Boundary Settlement Act of 1994 (25 U.S.C. 1776c(b)(3); 108 Stat. 4636) is amended by striking “provisions of subsection (b)” and inserting “provisions of this subsection”.

(b) APPLICABILITY.—Section 9(a) of the Crow Boundary Settlement Act of 1994 (25 U.S.C. 1776g(a); 108 Stat. 4640) is amended by striking “The Act” and inserting “This Act”.

(c) ESCROW FUNDS.—Section 10(b) of the Crow Boundary Settlement Act of 1994 (25 U.S.C. 1776h(b); 108 Stat. 4641) is amended by striking “(collectively referred

to in this subsection as the ‘Suspension Accounts’)” and inserting “(collectively referred to in this section as the ‘Suspension Accounts’)”.

SEC. 10. TLINGIT AND HAIDA STATUS CLARIFICATION ACT.

The first sentence of section 205 of the Tlingit and Haida Status Clarification Act (25 U.S.C. 1215) is amended by striking “Indian tribes” and inserting “Indian Tribes”.

SEC. 11. NATIVE AMERICAN LANGUAGES ACT.

Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking “under section 5351(4) of the Indian Education Act of 1988 (25 U.S.C. 2651(4))” and inserting “under section 9161(4) of the Improving America’s Schools Act of 1994 (20 U.S.C. 7881(4))”; and

(2) in paragraph (3), by striking “section 4009 of Public Law 100–297 (20 U.S.C. 4909)” and inserting “section 9212(1) of the Improving America’s Schools Act of 1994 (20 U.S.C. 7912(1))”.

SEC. 12. PONCA RESTORATION ACT.

Section 5 of the Ponca Restoration Act (25 U.S.C. 983c) is amended—

(1) by inserting “Sarpy, Burt, Platte, Stanton, Holt, Hall, Wayne,” before “Knox”; and

(2) by striking “or Charles Mix County” and inserting “, Woodbury or Pottawattomie Counties of Iowa, or Charles Mix County”.

SEC. 13. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.

Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking “December 31, 1995” and inserting “June 30, 1996”.

SEC. 14. REVOCATION OF CHARTER OF INCORPORATION OF THE MINNESOTA CHIPPEWA TRIBE UNDER THE INDIAN REORGANIZATION ACT.

The request of the Minnesota Chippewa Tribe to surrender the charter of incorporation issued to that tribe on September 17, 1937, pursuant to section 17 of the Act of June 18, 1934, commonly known as the “Indian Reorganization Act” (48 Stat. 988, chapter 576; 25 U.S.C. 477) is hereby accepted and that charter of incorporation is hereby revoked.

SEC. 15. ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY ACT OF 1992.

Section 5(6) of the Advisory Council on California Indian Policy Act of 1992 (106 Stat. 2133; 25 U.S.C. 651 note) is amended by striking “18 months” and inserting “36 months”.

SEC. 16. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (title XXXVII of Public Law 102–575; 25 U.S.C. 390 note) is amended by striking “December 31, 1995” and inserting “December 31, 1996”.

SEC. 17. IN-LIEU FISHING SITE TRANSFER AUTHORITY.

Section 401 of Public Law 100–581 (102 Stat. 2944–2945) is amended by adding at the end the following new subsection:

“(g) The Secretary of the Army is authorized to transfer funds to the Department of the Interior to be used for purposes of the continued operation and maintenance of sites improved or developed under this section.”.

SEC. 18. ADOLESCENT TRANSITIONAL LIVING FACILITY.

Notwithstanding any other provision of law, any funds that were provided to the Ponca Indian Tribe of Nebraska for any of the fiscal years 1992 through 1995, and that were retained by that Indian tribe, pursuant to a self-determination contract with the Secretary of Health and Human Services that the Indian tribe entered into under section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) to carry out programs and functions of the Indian Health Service may be used by that Indian tribe to acquire, develop, and maintain a transitional living facility for adolescents, including land for that facility.

SEC. 19. EXPENDITURE OF MESCALERO APACHE TRIBE JUDGMENT FUNDS.

Notwithstanding any other provision of law, or any distribution plan approved pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary of the Interior may reprogram, in accordance with the Resolutions, approved by the Mescalero Apache Tribal Council on January 24, 1995, any and all remaining funds (principal and interest accounts) regarding specific changes in the Secretarial Plans for the use of the funds in Docket Nos. 22–G, 30,

48, 30–A, and 48–A, awarded in satisfaction of the judgments by the Indian Claims Commission.

SEC. 20. ESTABLISHMENT OF A BAND ROLL.

Section 5(d)(2) of the Lac Vieux Desert Band of Lake Superior Chippewa Indians Act (25 U.S.C. 1300h–3(d)(2); 102 Stat. 1578) is amended—

- (1) by inserting “and base roll” after “requirement”; and
- (2) by striking “modification is” and inserting “modifications are”.

SEC. 21. OPTION TO INCORPORATE SELF-DETERMINATION PROVISIONS INTO SELF-GOVERNANCE.

Section 403 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc) is amended by adding the following new subsection:

“(1) INCORPORATE SELF-DETERMINATION PROVISIONS.—At the option of a participating tribe or tribes, any or all provisions of title I of this Act shall be made part of an agreement entered into under title III of this Act or this title. The Secretary is obligated to include such provisions at the option of the participating tribe or tribes. If such provision is incorporated it shall have the same force and effect as if set out in full in title III or this title.”.

PURPOSE OF THE BILL

The purpose of H.R. 2726 is to make certain technical corrections in laws relating to Native Americans.

BACKGROUND AND NEED FOR LEGISLATION

This bill makes technical corrections and other minor changes in existing Indian-related statutes as follows:

- (1) to section 9 of the Pokagon Potawatomi Restoration Act by changing the references in section 9 from plural to singular;
- (2) to the Odawa and Ottawa Restoration Act by correcting various references in section 9 by using the plural;
- (3) to a citation in section 4 of the Indian Dams Safety Act of 1994 by changing “450b(e)” to “450 et seq.”;
- (4) to the Pascua Yaqui Indians Act to capitalize the words “Pascua Yaqui Tribe”;
- (5) to section 3(7) of the Indian Lands Open Dump Cleanup Act of 1994 by correcting the citation to the Solid Waste Disposal Act;
- (6) to the American Indian Trust Fund Management Reform Act of 1994 by correcting a reference in section 303(c) of the Act and to correct a typographical error in section 306(d) of the Act;
- (7) to section 102 of the Indian Self-Determination Contract Reform Act of 1994 by adding the words “of section 105”;
- (8) to sections 203 and 206 of the Auburn Indian Restoration Act by correcting typographical errors;
- (9) to the Crow Boundary Settlement Act of 1994 by correcting several inaccurate references in sections 5, 9, and 10 of the Act;
- (10) to section 205 of the Tlingit and Haida Status Clarification Act by capitalizing the word “Tribe”;
- (11) to section 103 of the Native American Languages Act by correcting several incorrect citations in the section;
- (12) to section 5 of the Ponca Restoration Act by modifying the service area of the Ponca Indian Tribe to include Indians living in Sarpy, Burt, Platte, Stanton, Hall, Holt, and Wayne counties in Nebraska and Indians living in Woodbury and Pottawattomie counties in Iowa;
- (13) To section 112 of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 by extending by six months the time

for the completion of the activities to be conducted by the parties to the settlement;

(14) to accept the surrender of the chapter of incorporation of the Minnesota Chippewa Tribe, as requested by the Tribe, pursuant to the Indian Reorganization Act;

(15) To the Advisory Council on California Indian Policy Act of 1992 by extending the term of the Advisory Council on California Indian Policy from 18 months to 36 months;

(16) to the San Carlos Apache Tribe Water Rights Settlement Act of 1992 by extending for one year the deadline for the parties to the settlement to complete agreements between the San Carlos Apache Tribe, the Phelps-Dodge Corporation and the Town of Globe;

(17) to section 401 of the Public Law 100-581, by providing authority to the Army Corps of Engineers to provide funding for the operation and maintenance of certain in lieu fishing access sites;

(18) to provide authority to the Ponca Indian Tribe of Nebraska to utilize funds provided in prior fiscal years to acquire, develop, and maintain a transitional living facility for Indian adolescents;

(19) to provide authority to the Secretary of the Interior to reprogram, in accordance with resolutions approved by the Mescalero Apache Tribe, certain funds awarded to the Tribe by the Indian Claims Commission; and

(20) to the Lac Vieux Desert Band of Lake Superior Chippewa Indians Act by providing the Tribe with authority to amend its base membership roll.

COMMITTEE ACTION

H.R. 2726 was introduced on December 6, 1995 by Mr. Gallegly. The bill was referred to the Committee on Resources. On December 13, 1995, the Full Resources Committee met to consider H.R. 2726. An amendment to Section 403 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc) was offered by Mr. Faleomavaega and adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote, in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

SECTION 1. CORRECTION TO POKAGON RESTORATION ACT

This section makes technical corrections to section 9 of the Pokagon Potawatomi Restoration Act by changing the references in section 9 from plural to singular.

SECTION 2. CORRECTION TO ODAWA AND OTTAWA RESTORATION ACT

This section makes technical corrections to the Odawa and Ottawa Restoration Act by correcting various references in section 9 by using the plural.

SECTION 3. INDIAN DAMS SAFETY ACT OF 1994

Section 3 of the amendment corrects a citation in section 4 of the Indian Dams Safety Act of 1994 from "450b(e)" to "450 et seq."

SECTION 4. PASCUA YAQUI INDIANS OF ARIZONA

Section 4 amends the Pascua Yaqui Indians Act to capitalize the words "Pascua Yaqui Tribe."

SECTION 5. INDIAN LANDS OPEN DUMP CLEANUP ACT OF 1994

Section 5 amends section 3(7) of the Indian Lands Open Dump Cleanup Act of 1994 to correct the citation to the Solid Waste Disposal Act.

SECTION 6. AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994

Section 6 amends the American Indian Trust Fund Management Reform Act of 1994 to correct a reference in section 303(c) of the Act and to correct a typographical error in section 306(d) of the Act.

SECTION 7. INDIAN SELF-DETERMINATION CONTRACT REFORM ACT OF 1994

Section 7 corrects a reference in section 102 of the Indian Self-Determination Contract Reform Act of 1994.

SECTION 8. AUBURN INDIAN RESTORATION

Section 8 corrects certain incorrect references in sections 203 and 206 of the Auburn Indian Restoration Act.

SECTION 9. CROW BOUNDARY SETTLEMENT ACT OF 1994

Section 9 amends the Crow Boundary Settlement Act of 1994 correcting several inaccurate references in sections 5, 9, and 10 of the Act.

SECTION 10. TLINGIT AND HAIDA STATUS CLARIFICATION ACT

Section 10 corrects a typographical error in section 205 of the Tlingit and Haida Status Clarification Act.

SECTION 11. NATIVE AMERICAN LANGUAGES ACT

Section 11 amends section 103 of the Native American Languages Act to correct several incorrect citations in the section.

SECTION 12. PONCA RESTORATION ACT

Section 12 amends section 5 of the Ponca Restoration Act to modify the service area of the Ponca Indian Tribe to include Indians living in Sarpy, Burt, Platte, Stanton, Hall, Holt, and Wayne counties in Nebraska and Indians living in Woodbury and Pottawattomie counties in Iowa.

SECTION 13. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994

Section 13 amends section 112 of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 to extend by six months the time for the completion of the activities to be conducted by the parties to the settlement.

SECTION 14. REVOCATION OF CHARTER OF INCORPORATION OF THE
MINNESOTA CHIPPEWA TRIBE UNDER THE INDIAN REORGANIZATION
ACT

Section 14 accepts the surrender of the charter of incorporation of the Minnesota Chippewa Tribe, as requested by the Tribe, pursuant to the Indian Reorganization Act.

SECTION 15. ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY ACT
OF 1992

Section 15 will amend the Advisory Council on California Indian Policy Act of 1992 to extend the term of the Advisory Council on California Indian Policy from 18 months to 36 months.

SECTION 16. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT
ACT OF 1992

Section 16 amends the San Carlos Apache Tribe Water Rights Settlement Act of 1992 to extend for one year the deadline for the parties to the settlement to complete agreements between the San Carlos Apache Tribe, the Phelps-Dodge Corporation, and the Town of Globe.

SECTION 17. IN-LIEU FISHING SITE TRANSFER AUTHORITY

Section 17 amends section 401 of the Public Law 100-581, to provide the authority to the Army Corps of Engineers to provide funding for the operation and maintenance of certain in lieu fishing access sites.

SECTION 18. ADOLESCENT TRANSITIONAL LIVING FACILITY

Section 18 provides authority to the Ponca Indian Tribe of Nebraska to utilize funds provided in prior fiscal years to acquire, develop, and maintain a transitional living facility for Indian adolescents.

SECTION 19. EXPENDITURE OF MESCALERO APACHE TRIBE JUDGMENT
FUNDS

Section 19 provides authority to the Secretary of the Interior to reprogram, in accordance with resolutions approved by the Mescalero Apache Tribe, certain funds awarded to the Tribe by the Indian Claims Commission.

SECTION 20. ESTABLISHMENT OF A BAND ROLL

Section 20 provides the Lac Vieux Desert Band of Lake Superior Chippewa Indians with authority to amend its base membership roll.

SECTION 21. OPTION TO INCORPORATE SELF-DETERMINATION
PROVISIONS INTO SELF-GOVERNANCE

Section 21 amends the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc) to provide that participating tribes may elect to include any or all provisions of Title I, which deals with Public Law 93-638 contracts, in Title III and Title IV Self-Governance compacts.

This section corrects an oversight in last year's amendments to the Self-Governance program. In response to the six-year refusal of the Departments of the Interior and Health and Human Services to promulgate rules to carry out the Indian Self-Determination and Education Assistance Act, Congress enacted the Indian Self-Determination Act Amendments of 1994, which streamlined the contracting and compacting process, curbed the Departments' rulemaking authority, and required the Departments to negotiate new regulations with the Indian tribes.

Congress also enacted a new Title IV to the Act, known as the Tribal Self-Governance Act of 1994, which made permanent a Self-Governance demonstration project contained in Title III of the Act. Title IV, the permanent Self-Governance program, applies to functions within the Department of the Interior. Title III, which still remains a demonstration project, now applies to functions within the Department of Health and Human Services.

Since the passage of the 1994 amendments, tribes and tribal organizations, the Indian Health Service, and the Department of the Interior have all worked on implementation of titles I, III, and IV of the Act. Unfortunately, the Departments' interpretation and implementation of the Act has not been in accord with Congressional intent.

Specifically, the agencies have taken the position that the provisions of Title I, Governing Self-Determination Act or "638" contracts that are advantageous to tribes may not be included in Self-Governance compacts and annual funding agreements negotiated under Titles III and IV. In addition, the position of the two Departments has not always been consistent, so that in certain instances, one Department has permitted inclusion of a Self-Governance clause reflective of a Title I provision while the other has not.

The result has been an inconsistent treatment of Self-Governance issues by the two Departments, and the denial to Self-Governance tribes of the substantial advantages afforded to the tribes under Title I of the Indian Self-Determination and Education Assistance Act. This is particularly troubling, since it has always been the intent of Congress that the Self-Governance initiative should be at least as broad and favorable to the tribes as the original Title I contracting mechanism.

The technical amendment would remedy these problems by allowing Indian tribes, at their option, to incorporate any or all provisions of Title I of the Indian Self-Determination and Education Assistance Act into Titles III and IV.

It is not the intention of the Committee by this amendment to require that additional resolutions must be adopted by tribes to give tribal consortia, which have entered into compacts pursuant to tribal authorization, the authority to make the elections permitted by the amendment. Such consortia action pursuant to tribal resolutions could have negotiated for the inclusion of these provisions (including those contained in the model contract in section 108(c) of the Indian Self-Determination and Education Assistance Act) in their compacts if the Indian Health Service and the Bureau of Indian Affairs had not taken the position that certain Title I provisions were outside the ambit of Titles III and IV. By this amend-

ment the Congress is acting to remove any such impediment for Title II and Title IV Self-Governance tribes.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 2726 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2726. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2726 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2726.

3. With respect to the requirement of clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2726 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 20, 1995.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2726, a bill to make certain technical corrections in

laws relating to Native Americans, as ordered reported by the House Committee on Resources on December 15, 1995. CBO estimates that enacting this bill would have no significant impact on the federal budget or on the budgets of state and local governments. Enacting H.R. 2726 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 2726 would make technical corrections to the Indian Dams Safety Act of 1994, the Indian Self-Determination Contract Reform Act of 1994, the Native American Languages Act, and other acts relating to Native Americans. In addition, Section 19 of H.R. 2726 would allow the Secretary of the Interior to use certain funds provided to the Mescalero Apache Tribe for any purpose approved by the Tribe, and Section 20 would provide the Lac Vieux Band of Lake Superior Chippewa Indians the authority to amend its base membership roll.

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

Sincerely,

JUNE E. O'NEILL, *Director*.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 2726.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 9 OF THE ACT OF SEPTEMBER 21, 1994

AN ACT To restore Federal services to the Pokagon Band of Potawatomi Indians.

SEC. 9. MEMBERSHIP LIST.

(a) LIST OF MEMBERS AS OF SEPTEMBER 1994.—Not later than 120 days after the date of enactment of this Act, the **[Bands]** *Band* shall submit to the Secretary a list of all individuals who, as of September 21, 1994, were members of the **[respective Bands]** *Band*.

(b) LIST OF INDIVIDUALS ELIGIBLE FOR MEMBERSHIP.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the **[Bands]** *Band* shall submit to the Secretary **[membership rolls that contain]** *a membership roll that contains* the names of all individuals eligible for membership **[in such Bands]** *in the Band*. **[Each such]** *The Band*, in consultation with the Secretary, shall determine whether an individual is eligible for membership in the Band on the basis of provisions in the governing documents of the Band that determine the qualifications for inclusion in the membership roll of the Band.

(2) PUBLICATION OF NOTICE.—At such time as the [rolls have] *roll has* been submitted to the Secretary, the Secretary shall immediately publish in the Federal Register a notice of [such rolls] *such roll*.

(3) MAINTENANCE OF [ROLLS] *ROLL*.—The [Bands] *Band* shall ensure that the [rolls are maintained] *roll is maintained* and kept current.

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS AND THE LITTLE RIVER BAND OF OTTAWA INDIANS ACT

* * * * *

SEC. 5. REAFFIRMATION OF RIGHTS.

(a) * * *

(b) EXISTING RIGHTS OF [TRIBE] *BANDS*.—Nothing in this Act shall be construed to diminish any right or privilege of the Bands, or of their members, that existed prior to the date of enactment of this Act. Except as otherwise specifically provided in any other provision of this Act, nothing in this Act shall be construed as altering or affecting any legal or equitable claim the Bands might have to enforce any right or privilege reserved by or granted to the Bands which were wrongfully denied to or taken from the Bands prior to the enactment of this Act.

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SEC. 9. MEMBERSHIP LIST.

(a) LIST OF PRESENT MEMBERSHIP.—Not later than 120 days after the date of enactment of this Act, the [Band] *Bands* shall submit to the Secretary a list of all individuals who, as of September 21, 1994, were members of [the Band.] *the respective Bands*.

(b) LIST OF INDIVIDUALS ELIGIBLE FOR MEMBERSHIP.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, [the Band shall submit to the Secretary membership rolls that contain the names of all individuals eligible for membership in such Band. The Band, in consultation] *each of the Bands shall submit to the Secretary a membership roll that contains the names of all individuals that are eligible for membership in such Band. Each such Band, in consultation with the Secretary, shall determine whether an individual is eligible for membership in the Band on the basis of provisions in the governing documents of the Band that determine the qualifications for inclusion in the membership roll of the Band.*

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SECTION 4 OF THE INDIAN DAMS SAFETY ACT OF 1994

SEC. 4. DAM SAFETY MAINTENANCE AND REPAIR PROGRAM.

(a) * * *

* * * * *

(h) CONTRACT AUTHORITY.—In addition to any other authority established by law, the Secretary is authorized to contract with Indian tribes [(under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))), as amended,] *under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)* to carry out the Dam Safety Maintenance and Repair Program established under this Act.

* * * * *

SECTION 4 OF THE ACT OF SEPTEMBER 18, 1978

AN ACT To provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes.

* * * * *

SEC. 4. STUDY.

(a) * * *

(b) TRIBAL PARTICIPATION.—The Secretary shall provide for the participation of members of the Pascua Yaqui [tribe] *Tribe* to carry out subsection (a).

* * * * *

**SECTION 3 OF THE INDIANS LANDS OPEN DUMP
CLEANUP ACT OF 1994**

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) * * *

* * * * *

(7) OPEN DUMP.—The term “open dump” means any facility or site where solid waste is disposed of which is not a sanitary landfill which meets the criteria promulgated [(under section 6944 of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.))] *under section 4004 of the Solid Waste Disposal Act (42 U.S.C. 6944)* and which is not a facility for disposal of hazardous waste.

* * * * *

**AMERICAN INDIAN TRUST FUND MANAGEMENT
REFORM ACT OF 1994**

* * * * *

**TITLE III—SPECIAL TRUSTEE FOR
AMERICAN INDIANS**

* * * * *

SEC. 303. AUTHORITIES AND FUNCTIONS OF THE SPECIAL TRUSTEE.

(a) * * *

* * * * *

(c) COORDINATION OF POLICIES.—

(1) * * *

* * * * *

(5) TRUST MANAGEMENT PROGRAM BUDGET.—

(A) * * *

* * * * *

(D) MAINTENANCE OF RECORDS.—The Special Trustee shall maintain records of certifications [made under paragraph (3)(B)] *made under subparagraph (C)*.

* * * * *

SEC. 306. ADVISORY BOARD.

(a) * * *

* * * * *

(d) TERMINATION.—The [Advisory Board] *advisory board* shall terminate upon termination of the Office of Special Trustee.

* * * * *

SECTION 102 OF THE INDIAN SELF-DETERMINATION CONTRACT REFORM ACT OF 1994

SEC. 102. GENERAL AMENDMENTS.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended—

(1) * * *

* * * * *

(11) by striking subsection (e) of *section 105* and inserting the following new subsection:

“(e) If an Indian tribe, or a tribal organization authorized by a tribe, requests retrocession of the appropriate Secretary for any contract or portion of a contract entered into pursuant to this Act, unless the tribe or tribal organization rescinds the request for retrocession, such retrocession shall become effective on—

“(1) * * *

* * * * *

AUBURN INDIAN RESTORATION ACT

* * * * *

TITLE II—AUBURN INDIAN RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the “Auburn Indian Restoration Act”.

* * * * *

SEC. 203. ECONOMIC DEVELOPMENT.

(a) PLAN FOR ECONOMIC DEVELOPMENT.—The Secretary shall—

(1) * * *

(2) in accordance with this section and not later than 2 years after the adoption of a tribal constitution [as provided in section 107] *as provided in section 207*, develop such a plan; and

* * * * *

(b) RESTRICTIONS.—Any proposed transfer of real property contained in the plan developed by the Secretary under subsection (a) shall be consistent with the requirements of section [104] 204.

* * * * *

SEC. 206. INTERIM GOVERNMENT.

Until a new tribal constitution and bylaws are adopted and become effective under section 207, the Tribe’s governing body shall be an Interim Council. The initial membership of the Interim Council shall consist of the members of the Executive Council of the Tribe on the date of the enactment of this title, and the Interim Council shall continue to operate in the manner prescribed for the Executive Council under the tribal constitution adopted July 20, 1991, as long as such constitution is not contrary to Federal law. Any new members filling vacancies on the Interim [council] *Council* shall meet the enrollment criteria set forth in section 205(b) and be elected in the same manner as are Executive Council members under the tribal constitution adopted July 20, 1991.

* * * * *

CROW BOUNDARY SETTLEMENT ACT OF 1994

* * * * *

SEC. 5. SETTLEMENT TERMS AND CONDITIONS AND EXTINGUISHMENT OF CLAIMS.

(a) * * *

(b) PROPERTY WITHIN PARCEL NUMBER 2.—

(1) * * *

* * * * *

(3) ENFORCEMENT.—The [provisions of subsection (b)] *provisions of this subsection* may be enforced, in law or in equity, by the Northern Cheyenne Tribe, Northern Cheyenne allottees, and their successors in interest, in accordance with their respective interests.

* * * * *

SEC. 9. APPLICABILITY.

(a) IN GENERAL.—~~【The】~~ *This* Act shall take effect upon the occurrence of the following conditions:

(1) * * *

* * * * *

SEC. 10. ESCROW FUNDS.

(a) * * *

(b) ESTABLISHMENT OF SUSPENSION ACCOUNTS.—As soon as practicable after the Settlement Agreement is executed and approved pursuant to this Act, the Secretary of the Treasury shall establish in the Treasury of the United States two interest bearing accounts to be known respectively as the “Crow Tribal Suspension Account” and the “Northern Cheyenne Tribal Suspension Account” ~~【(collectively referred to in this subsection as the “Suspension Accounts”)]~~ *(collectively referred to in this section as the “Suspension Accounts”)*, consisting of—

- (1) such amounts as are transferred to the Suspension Accounts under subsection (c); and
- (2) any interest earned on investments of amounts in the Suspension Accounts under subsection (e).

* * * * *

SECTION 205 OF THE TLINGIT AND HAIDA STATUS CLARIFICATION ACT

* * * * *

TITLE II—CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

SEC. 201. SHORT TITLE.

This title may be cited as the “Tlingit and Haida Status Clarification Act”.

* * * * *

SEC. 205. PROHIBITION AGAINST DUPLICATIVE SERVICES.

Other federally recognized tribes in Southeast Alaska shall have precedence over the Central Council of Tlingit and Haida Indian Tribes of Alaska in the award of a Federal compact, contract or grant to the extent that their service population overlaps with that of the Central Council of Tlingit and Haida Indian ~~【tribes】~~ *Tribes* of Alaska. In no event shall dually enrolled members result in duplication of Federal service funding.

SECTION 103 OF THE NATIVE AMERICAN LANGUAGES ACT

* * * * *

TITLE I—NATIVE AMERICAN LANGUAGES ACT

SHORT TITLE

SEC. 101. This title may be cited as the “Native American Languages Act”.

* * * * *

DEFINITIONS

SEC. 103. For purposes of this title—

(1) The term “Native American” means an Indian, Native Hawaiian, or Native American Pacific Islander.

(2) The term “Indian” has the meaning given to such term [under section 5351(4) of the Indian Education Act of 1988 (25 U.S.C. 2651(4))] under section 9161(4) of the Improving America’s Schools Act of 1994 (20 U.S.C. 7881(4)).

(3) The term “Native Hawaiian” has the meaning given to such term by [section 4009 of Public Law 100–297 (20 U.S.C. 4909)] section 9212(1) of the Improving America’s Schools Act of 1994 (20 U.S.C. 7912(1)).

* * * * *

SECTION 5 OF THE PONCA RESTORATION ACT

SERVICES

SEC. 5. Notwithstanding any other provision of law, the Tribe and its members shall be eligible, on or after the date of enactment of this Act, for all Federal services and benefits furnished to federally recognized tribes without regard to the existence of a reservation for the Tribe. In the case of Federal services available to members of federally recognized tribes residing on or near a reservation, members of the Tribe residing in *Sarpy, Burt, Platte, Stanton, Holt, Hall, Wayne*, Knox, Boyd, Madison, Douglas, or Lancaster Counties of Nebraska [or Charles Mix County], *Woodbury or Pottawattomie Counties of Iowa, or Charles Mix County* of South Dakota shall be deemed to be residing on or near a reservation.

SECTION 112 OF THE YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994

SEC. 112. EFFECTIVE DATE.

(a) * * *

(b) DEADLINE.—If the actions described in paragraphs (1), (2), (3), and (4) of subsection (a) have not occurred by [December 31, 1995] *June 30, 1996*, any contract between Prescott and the United States entered into pursuant to section 106(d) shall not thereafter be effective, and any funds appropriated by the State of Arizona pursuant to the Settlement Agreement shall be returned by the Tribe to the State of Arizona.

SECTION 5 OF THE ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY ACT OF 1992

SEC. 5. DUTIES OF THE COUNCIL.

The Council shall—

(1) * * *

* * * * *

(6) submit, by no later than the date that is [18] 36 months after the date of the first meeting of the Council, a report on the study conducted under paragraph (3) together with the proposals and recommendations developed under paragraphs (2) and (5) and such other information obtained pursuant to this section as the Council deems relevant, to the Congress, the Secretary, and the Secretary of Health and Human Services; and

* * * * *

THE SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992

* * * * *

TITLE XXXVII—SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT, ARIZONA

SEC. 3701. SHORT TITLE.

This title may be cited as the “San Carlos Apache Tribe Water Rights Settlement Act of 1992”.

* * * * *

SEC. 3711. EFFECTIVE DATE.

(a) * * *

(b) CONDITIONS.—(1) If the actions described in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection (a) of this section have not occurred by December 31, [1995] 1996, subsections (c) and (d) of section 3704, subsections (a) and (b) of section 3705, section 3706, subsections (a)(2), (c), (d), and (f) of section 3707, subsections (b) and (c) of section 3708, and subsections (a), (b), (c), (d), (e), (g), (h), (j), and (l) of section 3710 of this title, together with any contracts entered into pursuant to any such section or subsection, shall not be effective on and after the date of enactment of this title, and any funds appropriated pursuant to section 3707(c), and remaining unobligated and unexpended on the date of the enactment of this title, shall immediately revert to the Treasury, as general revenues, and any funds appropriated by the State of Arizona pursuant to the Agreement, and remaining unobligated and unexpended on the date of the enactment of this title, shall immediately revert to the State of Arizona.

* * * * *

SECTION 401 OF THE ACT OF NOVEMBER 1, 1988

AN ACT To establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987).

* * * * *

SEC. 401. (a) * * *

* * * * *

(g) The Secretary of the Army is authorized to transfer funds to the Department of the Interior to be used for purposes of the continued operation and maintenance of sites improved or developed under this section.

SECTION 5 OF THE LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS ACT

SEC. 5. ESTABLISHMENT OF A BAND ROLL.

(a) * * *

* * * * *

(d)(1) * * *

(2) The Band may modify such quarter Chippewa blood quantum requirement *and base roll* if such [modification is] *modifications* are adopted in the tribal election as prescribed under paragraph (a) of section 6 or in a referendum by a majority of the voters and approved by the Secretary of the Interior. The Secretary shall approve such new membership requirements once adopted by the tribal voters unless he finds that the proposed amendment is contrary to Federal law.

SECTION 403 OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

SEC. 403. FUNDING AGREEMENTS.

(a) * * *

* * * * *

(1) INCORPORATE SELF-DETERMINATION PROVISIONS.—At the option of a participating tribe or tribes, any or all provisions of title I of this Act shall be made part of an agreement entered into under title III of this Act or this title. The Secretary is obligated to include such provisions at the option of the participating tribe or tribes. If such provision is incorporated it shall have the same force and effect as if set out in full in title III or this title.