

## Calendar No. 529

108TH CONGRESS  
2D SESSION**S. 1955****[Report No. 108-273]**

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

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 25, 2003

Mr. CAMPBELL introduced the following bill; which was read twice and  
referred to the Committee on Indian Affairs

MAY 20, 2004

Reported by Mr. CAMPBELL, with an amendment

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

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**A BILL**

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

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

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

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the

5 “Native American Technical Corrections Act of 2004”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.  
 Sec. 2. Definition of Secretary.

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

Sec. 101. National Fund for Excellence in American Indian Education.  
 Sec. 102. Indian Financing Act Amendment.  
 Sec. 103. Exchanged Indian land.  
 Sec. 104. Indian tribal justice technical and legal assistance.  
 Sec. 105. Tribal justice systems.  
 Sec. 106. Authorization of 99-year leases for the Prairie Band of Potawatomi.  
 Sec. 107. Navajo healthcare contracting.  
 Sec. 108. Crow Tribal Trust Fund.  
 Sec. 109. Fallon Paiute-Shoshone Tribe Settlement Fund.  
 Sec. 110. ANCSA amendment.

TITLE II—COWLITZ INDIAN TRIBE DISTRIBUTION OF JUDGMENT  
 FUNDS ACT

Sec. 201. Cowlitz Indian Tribe Distribution of Judgment Funds Act.  
 Sec. 202. Definitions.  
 Sec. 203. Judgment distribution plan.  
 Sec. 204. Distribution and use of funds.

TITLE III—ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK  
 RESERVATION.

Sec. 301. Short title.  
 Sec. 302. Findings and purpose.  
 Sec. 303. Definitions.  
 Sec. 304. Distribution of judgment funds.  
 Sec. 305. Applicable law.

TITLE IV—UTU UTU GWAITU PAIUTE INDIAN LAND TRANSFER

Sec. 401. Transfer.

3 **SEC. 2. DEFINITION OF SECRETARY.**

4 In this Act, the term “Secretary” means the Sec-  
 5 retary of the Interior.

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

5 **SEC. 101. NATIONAL FUND FOR EXCELLENCE IN AMERICAN**  
 6 **INDIAN EDUCATION.**

7 Title V of the Indian Self-Determination and Edu-  
 8 cation Assistance Act (25 U.S.C. 458bbb) is amended—

9 (1) by striking the title heading and inserting  
 10 the following:

11 **“TITLE V—NATIONAL FUND FOR**  
 12 **EXCELLENCE IN AMERICAN**  
 13 **INDIAN EDUCATION”;**

14 (2) in section 501 (25 U.S.C. 458bbb)—

15 (A) by striking the section heading and in-  
 16 sserting the following:

17 **“SEC. 501. NATIONAL FUND FOR EXCELLENCE IN AMER-**  
 18 **ICAN INDIAN EDUCATION.”;**

19 and

20 (B) in subsection (a), by striking “the  
 21 American Indian Education Foundation” and  
 22 inserting “a foundation to be known as the ‘Na-  
 23 tional Fund for Excellence in American Indian  
 24 Education’”; and

1           ~~(3)~~ in section 503(2) (25 U.S.C. 458bbb-2(2)),  
 2           by striking “Foundation” the second place it ap-  
 3           pears and inserting “National Fund for Excellence  
 4           in American Indian Education”.

5 **SEC. 102. INDIAN FINANCING ACT AMENDMENT.**

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

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

11           “~~(1)~~ guarantee”;

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

15           “~~(2)~~ to insure”;

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

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

19           “(a) **IN GENERAL.**—In order”; and

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

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

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

4 **“SEC. 204. LOAN APPROVAL.”.**

5 **SEC. 103. EXCHANGED INDIAN LAND.**

6 Notwithstanding any other provision of law, if—

7 (1) any portion of the Indian country (as de-  
8 fined in section 1151 of title 18, United States  
9 Code) under the jurisdiction of an Indian tribe was  
10 subject to a government taking for a project that re-  
11 ceived any funding under Public Law 85–500;

12 (2) the Indian tribe applies for land to be taken  
13 into trust by the Federal Government; and

14 (3) the Secretary of the Interior accepts the  
15 land into trust on behalf of the Indian tribe;

16 the land shall be deemed for all purposes to have been  
17 acquired in trust as of the date of the taking.

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

19 **ASSISTANCE.**

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

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

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

5 **SEC. 106. AUTHORIZATION OF 99-YEAR LEASES FOR THE**  
6 **PRAIRIE BAND OF POTAWATOMI.**

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

10 (1) by inserting “the reservation of the Prairie  
11 Band Potawatomi Nation Reservation,” after  
12 “Spanish Grant’),”; and

13 (2) by inserting “lands held in trust for the  
14 Prairie Band Potawatomi Nation,” before “lands  
15 held in trust for the Cherokee Nation of Oklahoma”.

16 (b) EFFECTIVE DATE.—The amendments made by  
17 subsection (a) apply to any lease entered into or renewed  
18 on or after the date of enactment of this Act.

19 **SEC. 107. NAVAJO HEALTHCARE CONTRACTING.**

20 Congress authorizes the Navajo Area Office of the In-  
21 dian Health Service to reprogram contract healthcare  
22 service dollars for the Navajo Health Foundation/Sage  
23 Memorial Hospital 638 contract.

24 **SEC. 108. CROW TRIBAL TRUST FUND.**

25 Section 6(d) of the Crow Boundary Settlement Act  
26 of 1994 (25 U.S.C. 1776d(d)), is amended—

1 (1) in the subsection heading, by inserting  
 2 “AND CAPITAL GAINS” after “INTEREST”;

3 (2) in paragraph (1), by striking “Only” and  
 4 inserting “Except as provided in paragraph (4),  
 5 only”; and

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

7 “(4) DISTRIBUTION OF CAPITAL GAINS.—Not-  
 8 withstanding subsection (f) or any other provision of  
 9 law, capital gains and any other noninterest income  
 10 received on funds in the Crow Tribal Trust Fund  
 11 shall be available for distribution by the Secretary to  
 12 the Crow Tribe to the extent that the balance in the  
 13 Crow Tribal Trust Fund (including capital gains)  
 14 exceeds \$85,000,000, for the same uses and subject  
 15 to the same restrictions in paragraphs (1) and (3)  
 16 as are applicable to distributions of interest.”.

17 **SEC. 109. FALLON PAIUTE-SHOSHONE TRIBE SETTLEMENT**  
 18 **FUND.**

19 Section 102 of the Fallon Paiute Shoshone Indian  
 20 Tribes Water Rights Settlement Act of 1990 (104 Stat.  
 21 3289) is amended—

22 (1) In subsection (C)—

23 (A) in paragraph (1), by striking “The in-  
 24 come of the Fund may be obligated and ex-  
 25 pended only for the following purposes:” and in-

1           serting the following: “Notwithstanding any  
 2           conflicting provision in the original Fund plan  
 3           developed in consultation with the Secretary  
 4           under subsection (f), during fiscal year 2004  
 5           and each subsequent fiscal year, 6 percent of  
 6           the average quarterly market value of the Fund  
 7           during the immediately preceding 3 fiscal years  
 8           (referred to in this title as the ‘Annual 6 per-  
 9           cent Amount’) may be expended or obligated  
 10          only for the purposes specified in subpara-  
 11          graphs (a) through (f) of this section. In addi-  
 12          tion, during each fiscal year subsequent to  
 13          Fund fiscal year 2004, any unexpended and un-  
 14          obligated portion of the Annual 6 percent  
 15          Amount from any of the 3 immediately pre-  
 16          ceding Fund fiscal years subsequent to fiscal  
 17          year 2003, not including any income that may  
 18          accrue on that portion may also be expended or  
 19          obligated only for the following purposes:”;

20                       (B) by striking paragraphs (2) through (4)  
 21                       and inserting the following:

22           “(2) No monies from the Fund other than the  
 23           amounts authorized in subsection (C)(1) may be expended  
 24           or obligated for any purpose.



1       “(3) Notwithstanding any conflicting provision in the  
 2 original Fund plan, during fiscal year 2004 and each sub-  
 3 sequent fiscal year, not more than 20 percent of the An-  
 4 nual 6 percent Amount for the fiscal year (referred to in  
 5 this title as the ‘Annual 1.2 percent Amount’) may be ex-  
 6 pended or obligated under subsection (c)(1)(C) for per  
 7 capita distributions to tribal members, provided that dur-  
 8 ing each Fund fiscal year subsequent to fiscal year 2004,  
 9 any unexpended and unobligated portion of the Annual 1.2  
 10 percent Amount from any of the 3 immediately preceding  
 11 Fund fiscal years subsequent to fiscal year 2003, not in-  
 12 cluding any income that may accrue on that portion, may  
 13 also be expended or obligated for such per capita pay-  
 14 ments.”; and

15       (2) in subsection (D), by adding at the end the  
 16 following: “Notwithstanding any conflicting provi-  
 17 sion in the original Fund plan, the Fallon Business  
 18 Council, in consultation with the Secretary, shall  
 19 promptly amend the original plan for purposes of  
 20 conforming the plan to this title and making non-  
 21 substantive updates, improvements, or corrections to  
 22 the original plan.”.

23 **SEC. 110. ANCSA AMENDMENT.**

24       All land and interests in land in the State of Alaska  
 25 conveyed by the Federal Government under the Alaska

1 Native Claims Settlement Act (43 U.S.C. 1601 et seq.)  
 2 to a Native Corporation and reconveyed by that Native  
 3 Corporation, or a successor in interest, in exchange for  
 4 any other land or interest in land in the State of Alaska  
 5 and located within the same region (as defined in section  
 6 9(a) of the Alaska Native Claims Settlement Act (43  
 7 U.S.C. 1608(a)), to a Native Corporation under an ex-  
 8 change or other conveyance, shall be deemed, notwith-  
 9 standing the conveyance or exchange, to have been con-  
 10 veyed pursuant to that Act.

11 **TITLE II—COWLITZ INDIAN**  
 12 **TRIBE DISTRIBUTION OF**  
 13 **JUDGMENT FUNDS ACT**

14 **SEC. 201. COWLITZ INDIAN TRIBE DISTRIBUTION OF JUDG-**  
 15 **MENT FUNDS ACT.**

16 This title shall be known as the “Cowlitz Indian Tribe  
 17 Distribution of Judgment Funds Act”.

18 **SEC. 202. DEFINITIONS.**

19 In this title:

20 (1) **CURRENT JUDGMENT FUND.**—The term  
 21 “current judgment fund” means the funds awarded  
 22 by the Indian Claims Commission Docket No. 218  
 23 and all interest accrued on the funds as of the date  
 24 of enactment of this Act.

1           (2) INITIAL INTEREST.—The term “initial in-  
2           terest” means the interest on the funds awarded by  
3           the Indian Claims Commission Docket No. 218 dur-  
4           ing the time period from 1 year before the date of  
5           enactment of this Act through the date of enactment  
6           of this Act.

7           (3) PRINCIPAL.—The term “principal” means  
8           the funds awarded by the Indian Claims Commission  
9           Docket No. 218 and all interest accrued on the  
10          funds as of 1 year before the date of enactment of  
11          this Act.

12          (4) SECRETARY.—The term “Secretary” means  
13          the Secretary of the Interior.

14          (5) TRIBE.—The term “Tribe” means the  
15          Cowlitzq Indian Tribe of Washington, to which the  
16          Secretary extended Federal recognition on December  
17          31, 2001, under part 83 of title 25, Code of Federal  
18          Regulations.

19          (6) TRIBAL MEMBER.—The term “tribal mem-  
20          ber” means an individual who is an enrolled member  
21          of the Cowlitz Indian Tribe in accordance with tribal  
22          enrollment procedures and requirements.

23          (7) TRIBAL ELDER.—The term “tribal elder”  
24          means a tribal member who was 62 years of age or  
25          older as of February 14, 2000.

1 **SEC. 203. JUDGMENT DISTRIBUTION PLAN.**

2 Notwithstanding the Indian Tribal Judgment Funds  
 3 Use or Distribution Act (25 U.S.C. 1401 et seq.); or any  
 4 plan prepared or promulgated by the Secretary under that  
 5 Act, the judgment funds awarded in Indian Claims Com-  
 6 mission Docket No. 218 and interest accrued on those  
 7 funds as of the date of enactment of this Act shall be dis-  
 8 tributed and used in accordance with this title.

9 **SEC. 204. DISTRIBUTION AND USE OF FUNDS.**

10 (a) **PRESERVATION OF PRINCIPAL AFTER ELDERLY**  
 11 **ASSISTANCE AND TRIBAL ADMINISTRATION PAYMENTS.—**

12 (1) **IN GENERAL.—**Except as provided in sub-  
 13 section (b), the principal shall not be distributed  
 14 under this title.

15 (2) **DISBURSEMENTS.—**The Secretary shall—

16 (A) maintain undistributed current judge-  
 17 ment funds in an interest-bearing account in  
 18 trust for the Tribe; and

19 (B) disburse principal or interest in ac-  
 20 cordance with this title not later than 30 days  
 21 after receipt by the Northwest Regional Direc-  
 22 tor of the Bureau of Indian Affairs of a request  
 23 by the Cowlitz Tribal Council for a disburse-  
 24 ment of funds.

25 (b) **ELDERLY ASSISTANCE PROGRAM.—**

1           (1) SETASIDE.—From the current judgment  
2 fund, the Secretary shall set aside 20 percent for an  
3 elderly assistance payment.

4           (2) PAYMENTS.—The Secretary shall provide 1  
5 elderly assistance payment to each enrolled tribal  
6 elder not later than 30 days after all of the following  
7 have occurred:

8           (A) LIST OF ENROLLED MEMBERS.—The  
9 Cowlitz Tribal Council has compiled and re-  
10 viewed for accuracy a list of all enrolled tribal  
11 members that are both a minimum of  $\frac{1}{16}$  Cow-  
12 litz blood and 62 years of age or older as of  
13 February 14, 2000.

14           (B) VERIFICATION.—The Secretary has  
15 verified the blood quantum and age of the tribal  
16 members identified on the list under subpara-  
17 graph (A).

18           (C) REQUEST FOR DISBURSEMENT.—The  
19 Cowlitz Tribal Council has made a request for  
20 disbursement of judgment funds for the elderly  
21 assistance payment.

22           (3) DEATH OF TRIBAL ELDER.—If a tribal  
23 elder eligible for an elderly assistance payment dies  
24 before receiving payment under this subsection, the  
25 funds that would have been paid to the tribal elder

1 shall be added to and distributed in accordance with  
 2 the emergency assistance program under subsection  
 3 (c).

4 (4) COSTS.—The Secretary shall pay all costs  
 5 of distribution under this subsection out of the  
 6 amount set aside under paragraph (1).

7 (c) EMERGENCY ASSISTANCE PROGRAM.—

8 (1) SETASIDE.—From the principal, the Sec-  
 9 retary shall set aside 10 percent for an emergency  
 10 assistance program.

11 (2) DISTRIBUTION OF INTEREST.—Beginning  
 12 the second year after the date of enactment of this  
 13 Act, interest earned on the amount setaside—

14 (A) shall be distributed annually in a lump  
 15 sum to the Cowlitz Tribal Council; and

16 (B) shall be used to provide emergency as-  
 17 sistance for tribal members.

18 (3) AVAILABILITY OF INTEREST.—Of the initial  
 19 interest, 10 percent shall be available on the date of  
 20 enactment of this Act shall be used to fund the pro-  
 21 gram for the first year after the date of enactment  
 22 of this Act.

23 (d) EDUCATION, VOCATIONAL, AND CULTURAL  
 24 TRAINING PROGRAM.—

1           (1) ~~SETASIDE.~~—From the principal, the Sec-  
 2           retary shall set aside 10 percent for an education,  
 3           vocational, and cultural training program.

4           (2) ~~DISTRIBUTION OF INTEREST.~~—Beginning  
 5           the second year after the date of enactment of this  
 6           Act, interest earned on the amount setaside—

7                   (A) shall be distributed annually in a lump  
 8                   sum to the Cowlitz Tribal Council; and

9                   (B) shall be used to provide scholarships to  
 10                  tribal members pursuing educational advance-  
 11                  ment, including cultural and vocational train-  
 12                  ing.

13          (3) ~~AVAILABILITY OF INTEREST.~~—Of the initial  
 14          interest, 10 percent shall be available upon the date  
 15          of enactment of this Act to fund the program for the  
 16          first year after the date of enactment of this Act.

17          (e) ~~HOUSING ASSISTANCE PROGRAM.~~—

18               (1) ~~SETASIDE.~~—From the principal, the Sec-  
 19               retary shall set aside 5 percent for a housing assist-  
 20               ance program.

21               (2) ~~DISTRIBUTION OF INTEREST.~~—Beginning  
 22               the second year after the date of enactment of this  
 23               Act, interest earned on the amount set aside—

24                   (A) shall be disbursed annually in a lump  
 25                   sum to the Cowlitz Tribal Council; and

1           ~~(B)~~ shall be—

2                   (i) used as a supplement to any exist-  
3           ing tribal housing improvements program;

4           or

5                   (ii) used in a separate housing assist-  
6           ance Program established by the Cowlitz  
7           Tribal Council.

8           ~~(3) AVAILABILITY OF INTEREST.—~~Of the initial  
9           interest, ~~5~~ percent shall be available on the date of  
10          enactment of this Act to fund the program for the  
11          first year after the date of enactment of this Act.

12          ~~(f) ECONOMIC DEVELOPMENT, TRIBAL, AND CUL-~~  
13          ~~TURAL CENTERS.—~~

14               ~~(1) SETASIDE.—~~From the principal, the Sec-  
15          retary shall set aside ~~21.5~~ percent—

16                   ~~(A)~~ for economic development; and

17                   ~~(B)~~ if other funding is not available or not  
18          adequate (as determined by the Tribe); for the  
19          construction and maintenance of tribal and cul-  
20          tural centers.

21          ~~(2) DISTRIBUTION OF INTEREST.—~~Beginning  
22          the second year after the date of enactment of this  
23          Act, interest earned on the amount set aside—

24                   ~~(A)~~ shall be disbursed annually in a lump  
25          sum to the Cowlitz Tribal Council; and



1           (~~B~~) shall be used for—

2                   (i) property acquisition for business or  
3                   other activities that are likely to benefit  
4                   the Tribe economically or provide employ-  
5                   ment for tribal members;

6                   (ii) business development for the  
7                   Tribe, including collateralization of loans  
8                   for the purchase or operation of busi-  
9                   nesses, matching funds for economic devel-  
10                  opment grants, joint venture partnerships,  
11                  and other similar ventures that are likely  
12                  to produce profits for the Tribe; and

13                  (iii) design, construction, mainte-  
14                  nance, and operation of tribal centers and  
15                  cultural centers.

16           (~~3~~) LOAN REPAYMENT.—The principal and in-  
17           terest of any business loan made under paragraph  
18           (~~2~~) shall be repaid to the economic development pro-  
19           gram for reinvestments, and business profits shall be  
20           credited to the general fund of the Tribe for uses to  
21           be determined by the Cowlitz Tribal Council.

22           (~~4~~) AVAILABILITY OF INTEREST.— 21.5 percent  
23           of the initial interest available upon the date of en-  
24           actment of this Act to fund the program for the first  
25           year after the date of enactment of this Act.

1       (g) NATURAL RESOURCES.—

2           (1) SETASIDE.—From the principal, the Sec-  
3       retary shall set aside 7.5 percent for natural re-  
4       sources.

5           (2) DISTRIBUTION OF INTEREST.—Beginning  
6       the second year after the date of enactment of this  
7       Act, interest earned on the amount set aside—

8           (A) shall be disbursed annually in a lump  
9       sum to the Cowlitz Tribal Council; and

10          (B) may be added to any existing tribal  
11       natural resource program to enhance the use  
12       and enjoyment by the Tribe of existing and re-  
13       newable natural resources on tribal land.

14          (3) AVAILABILITY OF INTEREST.—7.5 percent  
15       of the initial interest shall be available upon the date  
16       of enactment of this Act to fund the program for the  
17       first year after the date of enactment of this Act.

18       (h) CULTURAL RESOURCES.—

19           (1) SETASIDE.—From the principal, the Sec-  
20       retary shall set aside 4 percent for cultural re-  
21       sources.

22           (2) DISTRIBUTION OF INTEREST.—Beginning  
23       the second year after the date of enactment of this  
24       Act, interest earned on the amount set aside—

1           (A) shall be distributed annually in a lump  
2           sum to the Cowlitz Tribal Council; and

3           (B) shall be used to—

4                   (i) maintain artifacts;

5                   (ii) collect documents; and

6                   (iii) archive and identify cultural sites  
7           of tribal significance.

8           (3) AVAILABILITY OR INTEREST.—Of the initial  
9           interest, 4 percent shall be available on the date of  
10          enactment of this Act to fund the program for the  
11          first year after the date of enactment of this Act.

12          (i) HEALTH.—

13               (1) SETASIDE.—From the principal, the Sec-  
14          retary shall set aside 21 percent for health.

15               (2) DISTRIBUTION OF INTEREST.—Beginning  
16          the second year after the date of enactment of this  
17          Act, interest earned on the amount set aside—

18                   (A) shall be disbursed annually in a lump  
19                  sum to the Cowlitz Tribal Council; and

20                   (B) shall be used for the health needs of  
21                  the Tribe.

22               (3) AVAILABILITY OF INTEREST.—21 percent of  
23          the initial interest shall be available on the date of  
24          enactment of this Act to fund the program for the  
25          first year after the date of enactment of this Act.

1 (j) TRIBAL ADMINISTRATION PROGRAM.—

2 (1) SETASIDE.—From the principal, the Sec-  
3 retary shall set aside 21 percent for tribal adminis-  
4 tration.

5 (2) DISTRIBUTION OF INTEREST.—

6 (A) INITIAL DISTRIBUTION.—Of the initial  
7 interest, 21 percent, and of the principal, the  
8 difference between 21 percent of the initial in-  
9 terest and \$150,000, shall be set aside and im-  
10 mediately disbursed to the Tribe for the pur-  
11 poses of funding tribal administration for the  
12 first year after the date of enactment of this  
13 Act.

14 (B) SUBSEQUENT DISTRIBUTION.—Begin-  
15 ning the second year after the date of enact-  
16 ment of this Act, interest earned on the remain-  
17 ing principal set aside under this subsection  
18 shall be disbursed annually in a lump sum to  
19 pay the operating costs of the Cowlitz Tribal  
20 Council, including travel, telephone, cultural,  
21 and other expenses incurred in the conduct of  
22 the affairs of the Tribe and legal fees as ap-  
23 proved by the Cowlitz Tribal Council.

24 (k) GENERAL CONDITIONS.—

1           (1) IN GENERAL.—The conditions stated in this  
2 subsection apply to the management and use of all  
3 funds available under this title by the Cowlitz Tribal  
4 Council.

5           (2) ADMINISTRATIVE COSTS.—Not more than  
6 10 percent of the interest earned on the principal  
7 designated for the program under any subsection,  
8 except the programs under subsections (i) and (j),  
9 may be used for the administrative costs of the pro-  
10 gram.

11           (3) NO SERVICE AREA.—

12           (A) IN GENERAL.—No service area is im-  
13 plied or imposed under any program under this  
14 title.

15           (B) MEMBERS OUTSIDE SERVICE AREA.—

16 If the costs of administering any program  
17 under this Act for the benefit of tribal members  
18 living outside the Tribe's Indian Health Service  
19 area are greater than 10 percent of the interest  
20 earned on the principal designated for that pro-  
21 gram, the Cowlitz Tribal Council may authorize  
22 the expenditure of such funds for that program.

23           (3) APPROVAL.—Before any expenditures, the  
24 Cowlitz Tribal Council shall approve all programs  
25 and shall publish in a publication of general circula-

1       tion regulations that provide standards and priorities  
2       for programs under this title.

3           (4) *APPLICABILITY OF OTHER LAW.*—Section 7  
4       of the Indian Tribal Judgment Funds Use or Dis-  
5       tribution Act (25 U.S.C. 1407) shall apply to funds  
6       available under this title.

7           (5) *APPEAL.*—

8           (A) *IN GENERAL.*—Any tribal member who  
9       believes that he or she has been unfairly denied  
10      the right to take part in any program under  
11      this title may appeal to the tribal secretary.

12          (B) *RESOLUTION.*—The tribal secretary  
13      shall bring the appeal to the Cowlitz Tribal  
14      Council for resolution.

15          (C) *TIMELY RESPONSE.*—The resolution  
16      shall be made in a timely manner, and the trib-  
17      al secretary shall respond to the tribal member.

18       **TITLE III—ASSINIBOINE AND**  
19       **SIOUX TRIBES OF THE FORT**  
20       **PECK RESERVATION**

21       **SEC. 301. SHORT TITLE.**

22       This title may be cited as the “Assiniboine and Sioux  
23      Tribes of the Fort Peck Reservation Judgment Fund Dis-  
24      tribution Act of 2003”.

1 **SEC. 302. FINDINGS.**

2 Congress finds that—

3 (1) on December 18, 1987, the Assiniboine and  
4 Sioux Tribes of the Fort Peck Reservation and 5 in-  
5 dividual Fort Peck tribal members filed a complaint  
6 in the United States Claims Court (currently the  
7 Court of Federal Claims) in the case of Assiniboine  
8 and Sioux Tribes of the Fort Peck Reservation v.  
9 United States of America, Docket No. 773-87-L, to  
10 recover interest earned on trust funds while those  
11 funds were held in special deposit accounts and In-  
12 dian Moneys-Proceeds of Labor accounts;

13 (2) the Court held that the United States was  
14 liable for any income derived from investment of the  
15 trust funds of the Tribe and individual members of  
16 the Tribe for the period during which those funds  
17 were held in special deposit accounts and Indian  
18 Moneys-Proceeds of Labor accounts;

19 (3) on December 31, 1998, the plaintiffs en-  
20 tered into a settlement with the United States for  
21 claims made in the case for payment by the United  
22 States of—

23 (A) \$1,339,415.33, representing interest  
24 earned on funds while held in special deposit  
25 accounts at the Fort Peck Agency during the

1 period August 13, 1946, through September 30,  
2 1981;

3 (B) ~~\$2,749,354.41~~, representing—

4 (i) interest on the principal indebted-  
5 ness for the period from August 13, 1946,  
6 through July 31, 1998; plus

7 (ii) ~~\$364.27~~ in per diem interest on  
8 the principal indebtedness for each day  
9 during the period commencing August 1,  
10 1998, and ending on the date on which the  
11 judgment is paid; and

12 (C) ~~\$350,000~~, representing the litigation  
13 costs and attorney's fees that the Tribe in-  
14 curred to prosecute the claims;

15 (4) the terms of the settlement were approved  
16 by the Court on January 8, 1999, and judgment was  
17 entered on January 12, 1999;

18 (5) on March 18, 1999, ~~\$4,522,551.84~~ was  
19 transferred to the Department of the Interior;

20 (6) that judgment amount was deposited in an  
21 escrow account established to provide—

22 (A) ~~\$350,000~~ for the payment of attor-  
23 ney's fees and expenses; and



1           (B) \$4,172,551.84 for pending Court-or-  
2           dered distribution to the Tribe and individual  
3           Indian trust beneficiaries;

4           (7) on January 31, 2001, the Court approved  
5           a joint stipulation that established procedures for—

6           (A) identification of the class of individual  
7           Indians having an interest in the judgment;

8           (B) notice to and certification of that  
9           class; and

10          (C) the distribution of the judgment  
11          amount to the Tribe and affected class of indi-  
12          vidual Indians;

13          (8)(A) on or about February 14, 2001, in ac-  
14          cordance with the Court-approved stipulation,  
15          \$643,186.73 was transferred to an account estab-  
16          lished by the Secretary for the benefit of the Tribe;  
17          and

18          (B) that transferred amount represents—

19               (i) 54.2 percent of the Tribe's estimated  
20               26-percent share of the amount referred to in  
21               paragraph (6)(B); plus

22               (ii) 50 percent of the Tribe's estimated 26-  
23               percent share of interest and capital gains  
24               earned on the judgment amount from the pe-

1           riod beginning March 18, 1999, and ending on  
2           December 31, 2000;

3           (9) under the Court-approved stipulation—

4           (A) that transferred amount is to remain  
5           available for use by the Tribe in accordance  
6           with a plan adopted under the Indian Tribal  
7           Judgment Funds Use or Distribution Act (25  
8           U.S.C. 1401 et seq.);

9           (B) the Tribe will most likely receive addi-  
10          tional payments from the distribution amount  
11          once the identification of all individuals eligible  
12          to share in the distribution amount is completed  
13          and the pro rata shares are calculated; and

14          (C) those additional payments would in-  
15          clude—

16               (i) the balance of the share of the  
17               Tribe of the distribution amount and in-  
18               vestment income earned on the distribution  
19               amount;

20               (ii) the portion of the distribution  
21               amount that represents income derived on  
22               funds in special deposit accounts that are  
23               not attributable to the Tribe or any indi-  
24               vidual Indian; and

1           (iii) the portion of the distribution  
2           amount that represents shares attributable  
3           to individual Indians that—

4                   (I) cannot be located for pur-  
5                   poses of accepting payment; and

6                   (II) will not be bound by the  
7                   judgment in the case referred to in  
8                   paragraph (1); and

9           (10) under the Indian Tribal Judgment Funds  
10          Use or Distribution Act (25 U.S.C. 1401 et seq.);  
11          the Secretary is required to submit to Congress for  
12          approval an Indian judgment fund use or distribu-  
13          tion plan.

14 **SEC. 303. DEFINITIONS.**

15          In this title:

16           (1) COURT.—The term “Court” means the  
17           Court of Federal Claims.

18           (2) DISTRIBUTION AMOUNT.—The term “dis-  
19           tribution amount” means the amount referred to in  
20           section 302(6)(B).

21           (3) JUDGMENT AMOUNT.—The term “judgment  
22           amount” means the amount referred to in section  
23           302(5).

1           (4) **PRINCIPAL INDEBTEDNESS.**—The term  
2           “principal indebtedness” means the amount referred  
3           to in section 302(3)(A).

4           (5) **TRIBE.**—The term “Tribe” means the As-  
5           siniboine and Sioux Tribes of the Fort Peck Res-  
6           ervation.

7           **SEC. 304. DISTRIBUTION OF JUDGMENT FUNDS.**

8           (a) **IN GENERAL.**—Notwithstanding any provision of  
9           the Indian Tribal Judgment Funds Use or Distribution  
10          Act (25 U.S.C. 1401 et seq.), the share of the Tribe of  
11          the distribution amount, and such additional amounts as  
12          may be awarded to the Tribe by the Court with respect  
13          to the case referred to in section 302(1) (including any  
14          interest accrued on those amounts)—

15               (1) shall be made available for tribal health,  
16          education, housing, and social services programs of  
17          the Tribe, including—

18                       (A) educational and youth programs;

19                       (B) programs for improvement of facilities  
20          and housing;

21                       (C) programs to provide equipment for  
22          public utilities;

23                       (D) programs to provide medical assistance  
24          or dental, optical, or convalescent equipment;  
25          and

1           ~~(E)~~ programs to provide senior citizen and  
2           community services; and

3           ~~(2)~~ shall not be available for per capita dis-  
4           tribution to any member of the Tribe.

5           (b) BUDGET SPECIFICATION.—The specific programs  
6 for which funds are made available under subsection  
7 (a)(1), and the amount of funds allocated to each of those  
8 programs, shall be specified in an annual budget developed  
9 by the Tribe and approved by the Secretary.

10 **SEC. 305. APPLICABLE LAW.**

11           Except as provided in section 304(a), all funds dis-  
12 tributed under this title are subject to sections 7 and 8  
13 of the Indian Tribal Judgment Funds Use or Distribution  
14 Act (25 U.S.C. 1407, 1408).

15           **TITLE IV—UTU UTU GWAITU**  
16 **PAIUTE INDIAN LAND TRANSFER**

17 **SEC. 401. TRANSFER.**

18           Section 902(b) of the California Indian Land Trans-  
19 fer Act (114 Stat. 2921) is amended—

20           (1) by striking “3,525.8” and inserting  
21 “3,765.8”; and

22           (2) by adding at the end the following:

23           “(9) UTU UTU GWAITU PAIUTE TRIBE.—Lands  
24           to be held in trust for the Utu Utu Gwaitu Paiute

1 Tribe, Benton Paiute Reservation are comprised of  
 2 approximately 240 acres described as follows:

3 ~~“Mount Diablo Base and Meridian~~

4 ~~“Township 2 South, Range 31 East~~

5 ~~“Section 11:~~

6 ~~“SE $\frac{1}{2}$  and E $\frac{1}{2}$  of SW $\frac{1}{4}$ .”.~~

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

8 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*  
 9 *tive American Technical Corrections Act of 2004”.*

10 (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
 11 *Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definition of Secretary.*

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

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

*Sec. 102. Indian Financing Act Amendments.*

*Sec. 103. Indian tribal justice technical and legal assistance.*

*Sec. 104. Tribal justice systems.*

*Sec. 105. Crow Tribal Trust Fund.*

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

*Sec. 107. ANCSA amendment.*

*Sec. 108. Native Hawaiian cultural activities.*

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

*Sec. 201. Short title.*

*Sec. 202. Findings.*

*Sec. 203. Definitions.*

*Sec. 204. Distribution of judgment funds.*

*Sec. 205. Applicable law.*

**TITLE III—INDIAN LAND LEASING**

*Sec. 301. Authorization of 99-year leases.*

*Sec. 302. Certification of rental proceeds.*

*Sec. 303. Montana Indian Tribes; agreement with Dry Prairie Rural Water Asso-*  
*ciation, Incorporated.*

*Sec. 304. Authorization of leases of restricted land for terms of 99 years.*

## TITLE IV—NAVAJO HEALTH CONTRACTING

*Sec. 401. Navajo health contracting.*

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 *In this Act, the term “Secretary” means the Secretary*  
 3 *of the Interior.*

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

8 **SEC. 101. NATIONAL FUND FOR EXCELLENCE IN AMERICAN**  
 9 **INDIAN EDUCATION.**

10 *Title V of the Indian Self-Determination and Edu-*  
 11 *cation Assistance Act (25 U.S.C. 458bbb) is amended—*

12 *(1) by striking the title heading and inserting*  
 13 *the following:*

14 **“TITLE V—NATIONAL FUND FOR**  
 15 **EXCELLENCE IN AMERICAN**  
 16 **INDIAN EDUCATION”;**

17 *(2) in section 501 (25 U.S.C. 458bbb)—*

18 *(A) by striking the section heading and in-*  
 19 *serting the following:*

20 **“SEC. 501. NATIONAL FUND FOR EXCELLENCE IN AMERICAN**  
 21 **INDIAN EDUCATION.”;**

22 *and*

23 *(B) in subsection (a), by striking “the*  
 24 *American Indian Education Foundation” and*

1           inserting “a foundation to be known as the ‘Na-  
2           tional Fund for Excellence in American Indian  
3           Education’”; and

4           (3) in section 503(2) (25 U.S.C. 458bbb–2(2)),  
5           by striking “Foundation” the second place it appears  
6           and inserting “National Fund for Excellence in  
7           American Indian Education”.

8   **SEC. 102. INDIAN FINANCING ACT AMENDMENTS.**

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

12           (1) by striking “the Secretary is authorized (a)  
13           to guarantee” and inserting “the Secretary may—

14           “(1) guarantee”;

15           (2) by striking “members; and (b) in lieu of such  
16           guaranty, to insure” and inserting “members; or

17           “(2) to insure”;

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

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

21           “(a) *IN GENERAL.*—In order”; and

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

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



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

4       **“SEC. 204. LOAN APPROVAL.”**

5       (c) *LOANS INELIGIBLE FOR GUARANTY OR INSUR-*  
 6       *ANCE.*—Section 206 of the Indian Financing Act of 1974  
 7       (25 U.S.C. 1486) is amended by inserting “(not including  
 8       an eligible Native American owned or operated Community  
 9       Development Finance Institution)” after “Government”.

10       (d) *AGGREGATE LOANS OR SURETY BONDS LIMITA-*  
 11       *TION.*—Section 217(b) of the Indian Financing Act of 1974  
 12       (25 U.S.C. 1497(b)) is amended by striking “\$500,000,000”  
 13       and inserting “\$1,500,000,000”.

14       **SEC. 103. INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL**  
 15       **ASSISTANCE.**

16       Sections 106 and 201(d) of the Indian Tribal Justice  
 17       Technical and Legal Assistance Act (25 U.S.C. 3666,  
 18       3681(d)) are amended by striking “for fiscal years 2000  
 19       through 2004” and inserting “for fiscal years 2004 through  
 20       2010”.

21       **SEC. 104. TRIBAL JUSTICE SYSTEMS.**

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

1 **SEC. 105. CROW TRIBAL TRUST FUND.**

2 *Section 6(d) of the Crow Boundary Settlement Act of*  
 3 *1994 (25 U.S.C. 1776d(d)), is amended—*

4 *(1) in the subsection heading, by inserting “AND*  
 5 *CAPITAL GAINS” after “INTEREST”;*

6 *(2) in paragraph (1), by striking “Only” and*  
 7 *inserting “Except as provided in paragraph (4),*  
 8 *only”;* and

9 *(3) by adding at the end the following:*

10 *“(4) DISTRIBUTION OF CAPITAL GAINS.—Not-*  
 11 *withstanding subsection (f) or any other provision of*  
 12 *law, capital gains and any other noninterest income*  
 13 *received on funds in the Crow Tribal Trust Fund*  
 14 *shall be available for distribution by the Secretary to*  
 15 *the Crow Tribe to the extent that the balance in the*  
 16 *Crow Tribal Trust Fund (including capital gains) ex-*  
 17 *ceeds \$85,000,000, for the same uses and subject to the*  
 18 *same restrictions in paragraphs (1) and (3) as are*  
 19 *applicable to distributions of interest.”.*

20 **SEC. 106. FALLON PAIUTE-SHOSHONE TRIBE SETTLEMENT**  
 21 **FUND.**

22 *(a) SETTLEMENT FUND.—Section 102 of the Fallon*  
 23 *Paiute Shoshone Indian Tribes Water Rights Settlement*  
 24 *Act of 1990 (104 Stat. 3289) is amended—*

25 *(1) in subsection (C)—*

26 *(A) in paragraph (1)—*

1           (i) by striking “The income of the  
2           Fund may be obligated and expended only  
3           for the following purposes:” and inserting  
4           the following: “Notwithstanding any con-  
5           flicting provision in the original Fund plan  
6           during Fund fiscal year 2004 and during  
7           each subsequent Fund fiscal year, 6 percent  
8           of the average quarterly market value of the  
9           Fund during the immediately preceding 3  
10          Fund fiscal years (referred to in this title as  
11          the ‘Annual 6 percent Amount’), plus any  
12          unexpended and unobligated portion of the  
13          Annual 6 percent Amount from any of the  
14          3 immediately preceding Fund fiscal years  
15          that are subsequent to Fund fiscal year  
16          2003, less any negative income that may  
17          accrue on that portion, may be expended or  
18          obligated only for the following purposes.”;  
19          and

20                 (ii) by adding at the end the following:  
21          “(g) Fees and expenses incurred in connection with the  
22          investment of the Fund, for investment management, invest-  
23          ment consulting, custodianship, and other transactional  
24          services or matters.”; and

1                   (B) by striking paragraph (4) and inserting  
2                   the following:

3                   “(4) No monies from the Fund other than the  
4                   amounts authorized under paragraphs (1) and (3)  
5                   may be expended or obligated for any purpose.

6                   “(5) Notwithstanding any conflicting provision  
7                   in the original Fund plan, during Fund fiscal year  
8                   2004 and during each subsequent Fund fiscal year,  
9                   not more than 20 percent of the Annual 6 percent  
10                  Amount for the Fund fiscal year (referred to in this  
11                  title as the ‘Annual 1.2 percent Amount’) may be ex-  
12                  pended or obligated under paragraph (1)(c) for per  
13                  capita distributions to tribal members, except that  
14                  during each Fund fiscal year subsequent to Fund fis-  
15                  cal year 2004, any unexpended and unobligated por-  
16                  tion of the Annual 1.2 percent Amount from any of  
17                  the 3 immediately preceding Fund fiscal years that  
18                  are subsequent to Fund fiscal year 2003, less any neg-  
19                  ative income that may accrue on that portion, may  
20                  also be expended or obligated for such per capita pay-  
21                  ments.”; and

22                  (2) in subsection (D), by adding at the end the  
23                  following: “Notwithstanding any conflicting provision  
24                  in the original Fund plan, the Fallon Business Coun-  
25                  cil, in consultation with the Secretary, shall promptly

1        *amend the original Fund plan for purposes of con-*  
 2        *forming the Fund plan to this title and making non-*  
 3        *substantive updates, improvements, or corrections to*  
 4        *the original Fund plan.”.*

5        *(b) DEFINITIONS.—Section 107 of the Fallon Paiute*  
 6        *Shoshone Indian Tribes Water Rights Settlement Act of*  
 7        *1990 (104 Stat. 3293) is amended—*

8                *(1) by redesignating subsections (D), (E), (F),*  
 9                *and (G) as subsections (F), (G), (H), and (I), respec-*  
 10                *tively; and*

11                *(2) by striking subsections (B) and (C) and in-*  
 12                *serting the following:*

13                *“(B) the term ‘Fund fiscal year’ means a fiscal*  
 14                *year of the Fund (as defined in the Fund plan);*

15                *“(C) the term ‘Fund plan’ means the plan estab-*  
 16                *lished under section 102(F), including the original*  
 17                *Fund plan (the ‘Plan for Investment, Management,*  
 18                *Administration and Expenditure dated December 20,*  
 19                *1991’) and all amendments of the Fund plan under*  
 20                *subsection (D) or (F)(1) of section 102;*

21                *“(D) the term ‘income’ means the total net re-*  
 22                *turn from the investment of the Fund, consisting of*  
 23                *all interest, dividends, realized and unrealized gains*  
 24                *and losses, and other earnings, less all related fees*  
 25                *and expenses incurred for investment management,*

1 *investment consulting, custodianship and trans-*  
 2 *actional services or matters;*

3 “(E) the term ‘principal’ means the total  
 4 amount appropriated to the Fallon Paiute Shoshone  
 5 Tribal Settlement Fund under section 102(B);”.

6 **SEC. 107. ANCSA AMENDMENT.**

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

18 **SEC. 108. NATIVE HAWAIIAN CULTURAL ACTIVITIES.**

19 *Section 7205(a)(3) of the Elementary and Secondary*  
 20 *Education Act of 1965 (20 U.S.C. 7515(a)(3)) is amend-*  
 21 *ed—*

22 *(1) by redesignating subparagraphs (K) and (L)*  
 23 *as subparagraphs (L) and (M), respectively; and*

24 *(2) inserting after subparagraph (J) the fol-*  
 25 *lowing:*

1                   “(K) research and educational activities re-  
2                   lating to Native Hawaiian culture, history, and  
3                   law.”.

4   **TITLE     II—ASSINIBOINE     AND**  
5       **SIOUX TRIBES OF THE FORT**  
6       **PECK RESERVATION**

7   **SEC. 201. SHORT TITLE.**

8           *This title may be cited as the “Assiniboine and Sioux*  
9   *Tribes of the Fort Peck Reservation Judgment Fund Dis-*  
10 *tribution Act of 2004”.*

11 **SEC. 202. FINDINGS.**

12       *Congress finds that—*

13           (1) *on December 18, 1987, the Assiniboine and*  
14 *Sioux Tribes of the Fort Peck Reservation and 5 indi-*  
15 *vidual Fort Peck tribal members filed a complaint in*  
16 *the United States Claims Court (currently the Court*  
17 *of Federal Claims) in the case of Assiniboine and*  
18 *Sioux Tribes of the Fort Peck Reservation v. United*  
19 *States of America, Docket No. 773–87–L, to recover*  
20 *interest earned on trust funds while those funds were*  
21 *held in special deposit accounts and Indian Moneys–*  
22 *Proceeds of Labor accounts;*

23           (2) *the Court held that the United States was*  
24 *liable for any income derived from investment of the*  
25 *trust funds of the Tribe and individual members of*

1        *the Tribe for the period during which those funds*  
2        *were held in special deposit accounts and Indian*  
3        *Moneys—Proceeds of Labor accounts;*

4            *(3) on December 31, 1998, the plaintiffs entered*  
5        *into a settlement with the United States for claims*  
6        *made in the case for payment by the United States*  
7        *of—*

8            *(A) \$1,339,415.33, representing interest*  
9        *earned on funds while held in special deposit ac-*  
10       *counts at the Fort Peck Agency during the pe-*  
11       *riod August 13, 1946, through September 30,*  
12       *1981;*

13           *(B) \$2,749,354.41, representing—*

14           *(i) interest on the principal indebted-*  
15       *ness for the period from August 13, 1946,*  
16       *through July 31, 1998; plus*

17           *(ii) \$364.27 in per diem interest on the*  
18       *principal indebtedness for each day during*  
19       *the period commencing August 1, 1998, and*  
20       *ending on the date on which the judgment*  
21       *is paid; and*

22           *(C) \$350,000, representing the litigation*  
23       *costs and attorney's fees that the Tribe incurred*  
24       *to prosecute the claims;*



1           (4) *the terms of the settlement were approved by*  
2 *the Court on January 8, 1999, and judgment was en-*  
3 *tered on January 12, 1999;*

4           (5) *on March 18, 1999, \$4,522,551.84 was trans-*  
5 *ferred to the Department of the Interior;*

6           (6) *that judgment amount was deposited in an*  
7 *escrow account established to provide—*

8                 (A) *\$350,000 for the payment of attorney's*  
9 *fees and expenses; and*

10                (B) *\$4,172,551.84 for pending Court-or-*  
11 *dered distribution to the Tribe and individual*  
12 *Indian trust beneficiaries;*

13           (7) *on January 31, 2001, the Court approved a*  
14 *joint stipulation that established procedures for—*

15                 (A) *identification of the class of individual*  
16 *Indians having an interest in the judgment;*

17                 (B) *notice to and certification of that class;*  
18 *and*

19                 (C) *the distribution of the judgment amount*  
20 *to the Tribe and affected class of individual In-*  
21 *dians;*

22           (8)(A) *on or about February 14, 2001, in accord-*  
23 *ance with the Court-approved stipulation,*  
24 *\$643,186.73 was transferred to an account established*  
25 *by the Secretary for the benefit of the Tribe; and*

1           (B) that transferred amount represents—

2                 (i) 54.2 percent of the Tribe's estimated 26-  
3 percent share of the amount referred to in para-  
4 graph (6)(B); plus

5                 (ii) 50 percent of the Tribe's estimated 26-  
6 percent share of interest and capital gains  
7 earned on the judgment amount from the period  
8 beginning March 18, 1999, and ending on De-  
9 cember 31, 2000;

10          (9) under the Court-approved stipulation—

11                 (A) that transferred amount is to remain  
12 available for use by the Tribe in accordance with  
13 a plan adopted under the Indian Tribal Judg-  
14 ment Funds Use or Distribution Act (25 U.S.C.  
15 1401 et seq.);

16                 (B) the Tribe will most likely receive addi-  
17 tional payments from the distribution amount  
18 once the identification of all individuals eligible  
19 to share in the distribution amount is completed  
20 and the pro rata shares are calculated; and

21                 (C) those additional payments would in-  
22 clude—

23                         (i) the balance of the share of the Tribe  
24 of the distribution amount and investment  
25 income earned on the distribution amount;

1                   (ii) the portion of the distribution  
2                   amount that represents income derived on  
3                   funds in special deposit accounts that are  
4                   not attributable to the Tribe or any indi-  
5                   vidual Indian; and

6                   (iii) the portion of the distribution  
7                   amount that represents shares attributable  
8                   to individual Indians that—

9                               (I) cannot be located for purposes  
10                              of accepting payment; and

11                             (II) will not be bound by the judg-  
12                             ment in the case referred to in para-  
13                             graph (1); and

14                   (10) under the Indian Tribal Judgment Funds  
15                   Use or Distribution Act (25 U.S.C. 1401 et seq.), the  
16                   Secretary is required to submit to Congress for ap-  
17                   proval an Indian judgment fund use or distribution  
18                   plan.

19 **SEC. 203. DEFINITIONS.**

20                   In this title:

21                             (1) *COURT*.—The term “Court” means the Court  
22                             of Federal Claims.

23                             (2) *DISTRIBUTION AMOUNT*.—The term “dis-  
24                             tribution amount” means the amount referred to in  
25                             section 202(6)(B).

1           (3) *JUDGMENT AMOUNT.*—*The term “judgment*  
 2 *amount” means the amount referred to in section*  
 3 *202(5).*

4           (4) *PRINCIPAL INDEBTEDNESS.*—*The term*  
 5 *“principal indebtedness” means the amount referred*  
 6 *to in section 202(3)(A).*

7           (5) *TRIBE.*—*The term “Tribe” means the Assini-*  
 8 *boine and Sioux Tribes of the Fort Peck Reservation.*

9 **SEC. 204. DISTRIBUTION OF JUDGMENT FUNDS.**

10       (a) *IN GENERAL.*—*Notwithstanding any provision of*  
 11 *the Indian Tribal Judgment Funds Use or Distribution Act*  
 12 *(25 U.S.C. 1401 et seq.), the share of the Tribe of the dis-*  
 13 *tribution amount, and such additional amounts as may be*  
 14 *awarded to the Tribe by the Court with respect to the case*  
 15 *referred to in section 202(1) (including any interest accrued*  
 16 *on those amounts)—*

17           (1) *shall be made available for tribal health, edu-*  
 18 *cation, housing, and social services programs of the*  
 19 *Tribe, including—*

20                   (A) *educational and youth programs;*

21                   (B) *programs for improvement of facilities*  
 22 *and housing;*

23                   (C) *programs to provide equipment for pub-*  
 24 *lic utilities;*

1           (D) programs to provide medical assistance  
 2           or dental, optical, or convalescent equipment;  
 3           and

4           (E) programs to provide senior citizen and  
 5           community services; and

6           (2) shall not be available for per capita distribu-  
 7           tion to any member of the Tribe.

8           (b) *BUDGET SPECIFICATION.*—The specific programs  
 9           for which funds are made available under subsection (a)(1),  
 10          and the amount of funds allocated to each of those pro-  
 11          grams, shall be specified in an annual budget developed by  
 12          the Tribe and approved by the Secretary.

13       **SEC. 205. APPLICABLE LAW.**

14          *Except as provided in section 204(a), all funds distrib-*  
 15          *uted under this title are subject to sections 7 and 8 of the*  
 16          *Indian Tribal Judgment Funds Use or Distribution Act (25*  
 17          *U.S.C. 1407, 1408).*

18                       **TITLE III—INDIAN LAND**

19                               **LEASING**

20       **SEC. 301. AUTHORIZATION OF 99-YEAR LEASES.**

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

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

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

5           (3) by inserting “the Muckleshoot Indian Res-  
6           ervation and land held in trust for the Muckleshoot  
7           Indian Tribe,” after “the Cabazon Indian reserva-  
8           tion,”;

9           (4) by striking “Washington,,” and inserting  
10          “Washington,”;

11          (5) by inserting “lands held in trust for the  
12          Prairie Band Potawatomi Nation,” before “lands held  
13          in trust for the Cherokee Nation of Oklahoma”;

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

17          (7) by inserting “land held in trust for the Yurok  
18          Tribe, land held in trust for the Hopland Band of  
19          Pomo Indians of the Hopland Rancheria,” after  
20          “Pueblo of Santa Clara,”.

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

1 **SEC. 302. CERTIFICATION OF RENTAL PROCEEDS.**

2 *Notwithstanding any other provision of law, any ac-*  
 3 *tual rental proceeds from the lease of land acquired under*  
 4 *section 1 of Public Law 91–229 (25 U.S.C. 488) certified*  
 5 *by the Secretary of the Interior shall be deemed—*

6 (1) *to constitute the rental value of that land;*

7 *and*

8 (2) *to satisfy the requirement for appraisal of*  
 9 *that land.*

10 **SEC. 303. MONTANA INDIAN TRIBES; AGREEMENT WITH DRY**

11 **PRAIRIE RURAL WATER ASSOCIATION, INCOR-**  
 12 **PORATED.**

13 (a) *IN GENERAL.—The Assiniboine and Sioux Tribes*  
 14 *of the Fort Peck Indian Reservation (referred to in this sec-*  
 15 *tion as the “Tribes”) may, with the approval of the Sec-*  
 16 *retary of the Interior, enter into a lease or other temporary*  
 17 *conveyance of water rights recognized under the Fort Peck-*  
 18 *Montana Compact (Montana Code Annotated 85–20–201)*  
 19 *for the purpose of meeting the water needs of the Dry Prai-*  
 20 *rie Rural Water Association, Incorporated (or any successor*  
 21 *entity), in accordance with section 5 of the Fort Peck Res-*  
 22 *ervation Rural Water System Act of 2000 (114 Stat. 1454).*

23 (b) *CONDITIONS OF LEASE.—With respect to a lease*  
 24 *or other temporary conveyance described in subsection*  
 25 *(a)—*

1           (1) *the term of the lease or conveyance shall not*  
2           *exceed 100 years; and*

3           (2)(A) *the lease or conveyance may be approved*  
4           *by the Secretary of the Interior without monetary*  
5           *compensation to the Tribes; and*

6           (B) *the Secretary of the Interior shall not be sub-*  
7           *ject to liability for any claim or cause of action relat-*  
8           *ing to the compensation or consideration received by*  
9           *the Tribes under the lease or conveyance.*

10          (c) *NO PERMANENT ALIENATION OF WATER.—Nothing*  
11          *in this section authorizes any permanent alienation of any*  
12          *water by the Tribes.*

13          **SEC. 304. AUTHORIZATION OF LEASES OF RESTRICTED**  
14    **LAND FOR TERMS OF 99 YEARS.**

15          *The first section of the Act of August 9, 1955 (25*  
16          *U.S.C. 415), is amended by adding at the end the following:*

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

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

24                         “(A) *public, religious, educational, rec-*  
25                         *reational, residential, or business purposes; and*



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

4                   “(i) exploration, development, or ex-  
5 traction of a mineral resource; or

6                   “(ii) storage of materials listed as haz-  
7 ardous waste (as defined under the Com-  
8 prehensive Environmental Response, Com-  
9 pensation, and Liability Act (42 U.S.C.  
10 9601)).

11           “(2) APPROVAL BY THE SECRETARY.—

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

18                   “(B) FAILURE TO ACT.—If the Secretary  
19 fails to take action on an application for ap-  
20 proval of a lease or lease amendment by the date  
21 specified in subparagraph (A), the Secretary  
22 shall be deemed to have approved the lease.”.

1           **TITLE IV—NAVAJO HEALTH**  
2                           **CONTRACTING**

3 **SEC. 401. NAVAJO HEALTH CONTRACTING.**

4           *The Navajo Health Foundation/Sage Memorial Hos-*  
5 *pital in Ganado, Arizona, shall be considered to be a tribal*  
6 *contractor under the Indian Self-Determination and Edu-*  
7 *cation Assistance Act for the purposes of section 102(d) and*  
8 *subsections (k) and (o) of section 105 of that Act (25 U.S.C.*  
9 *450f(d), 450j) provided that the Hospital remains the au-*  
10 *thorized tribal organization (as defined in section 4 of that*  
11 *Act (25 U.S.C. 450b)) of the Navajo Nation.*



Calendar No. 529

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1955**

[Report No. 108-273]

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## **A BILL**

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

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MAY 20, 2004

Reported with an amendment