

NATIVE AMERICAN TECHNICAL CORRECTIONS ACT OF  
2005

NOVEMBER 16, 2005.—Ordered to be printed

Mr. POMBO, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 3351]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3351) to make technical corrections to 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 all after the enacting clause and insert the following:

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

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

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

Sec. 1. Short title; table of contents.

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

- Sec. 101. Indian Financing Act amendments.
- Sec. 102. Gila River Indian Community binding arbitration.
- Sec. 103. Alaska Native Claims Settlement Act voting standards amendment.
- Sec. 104. Indian tribal justice technical and legal assistance.
- Sec. 105. Tribal justice systems.
- Sec. 106. ANCSA amendment.
- Sec. 107. Mississippi Band of Choctaw transportation reimbursement.
- Sec. 108. Indian Pueblo Land Act Amendments.

**TITLE II—INDIAN LAND LEASING**

- Sec. 201. Prairie Island land conveyance.
- Sec. 202. Authorization of 99-year leases.

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

### SEC. 101. INDIAN FINANCING ACT AMENDMENTS.

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

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

“(1) guarantee”;

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

“(2) to insure”;

(3) by striking “SEC. 201. In order” and inserting the following:

#### “SEC. 201. LOAN GUARANTIES AND INSURANCE.

“(a) IN GENERAL.—In order”; and

(4) by adding at the end the following:

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

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

#### “SEC. 204. LOAN APPROVAL.”.

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

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

#### “SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.

“(a) IN GENERAL.—All or any portion of a loan guaranteed or insured under this title, including the security given for the loan—

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

“(2) may be retransferred by the transferee.

“(b) TRANSFERS OF LOANS.—With respect to a transfer described in subsection (a)—

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

“(2) the transferee shall give notice of the transfer to the Secretary.”;

(2) by striking subsection (c);

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

(4) in paragraph (2) of subsection (c) (as redesignated by paragraph (3))—

(A) by striking “VALIDITY.—” and all that follows through “subparagraph (B),” and inserting “VALIDITY.—Except as provided by regulations in effect on the date on which a loan is made,”; and

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

(5) in subsection (e) (as redesignated by paragraph (3))—

(A) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(B) by adding at the end the following:

“(2) COMPENSATION OF FISCAL TRANSFER AGENT.—A fiscal transfer agent designated under subsection (f) may be compensated through any of the fees assessed under this section and any interest earned on any funds or fees collected by the fiscal transfer agent while the funds or fees are in the control of the fiscal transfer agent and before the time at which the fiscal transfer agent is contractually required to transfer such funds to the Secretary or to transferees or other holders.”; and

(6) in subsection (f) (as redesignated by paragraph (3))—

(A) by striking “subsection (i)” and inserting “subsection (h)”; and

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

(d) LOANS INELIGIBLE FOR GUARANTY OR INSURANCE.—Section 206 of the Indian Financing Act of 1974 (25 U.S.C. 1486) is amended by striking “Internal Revenue Code of 1954, as amended,” and inserting “Internal Revenue Code of 1986 (except loans made by certified Community Development Finance Institutions)”.

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

**SEC. 102. GILA RIVER INDIAN COMMUNITY BINDING ARBITRATION.**

(a) **AMENDMENTS.**—Subsection (f) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(f)), is amended—

(1) in the first sentence, by striking “Any lease” and all that follows through “affecting land” and inserting “Any contract, including a lease, affecting land”; and

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

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

**SEC. 103. ALASKA NATIVE CLAIMS SETTLEMENT ACT VOTING STANDARDS AMENDMENT.**

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

(1) by inserting after “of this section” the following: “or an amendment to the articles of incorporation described in section 7(g)(1)(B)”; and

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

(b) **TECHNICAL CORRECTIONS.**—

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

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

(ii) in paragraph (2), by striking “by creating the following new subsection:” and inserting “in subsection (d), by adding at the end the following:”; and

(iii) in paragraph (3), by striking “by creating the following new subsection:” and inserting “by adding at the end the following:”.

(B) Section 36 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended—

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

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

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

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

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

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

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

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

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

**SEC. 106. ANCSA AMENDMENT.**

All land and interests in land in the State of Alaska conveyed by the Federal Government under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to a Native Corporation and reconveyed by that Native Corporation, or a successor in interest, in exchange for any other land or interest in land in the State of Alaska and located within the same region (as defined in section 9(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1608(a)), to a Native Corporation under an exchange or other conveyance, shall be deemed, notwithstanding the conveyance or exchange, to have been conveyed pursuant to that Act.

**SEC. 107. MISSISSIPPI BAND OF CHOCTAW TRANSPORTATION REIMBURSEMENT.**

The Secretary of the Interior, acting through the Bureau of Indian Affairs, is authorized and directed to enter into a contract in order to accept funds from the State of Mississippi and deposit such funds in trust account number PL7489708 at the Office of Trust Funds Management for the benefit of the Mississippi Band of Choctaw Indians, as set forth in the agreement executed by the Mississippi Department of Transportation on June 7, 2005, and by the Mississippi Band of Choctaw Indians on June 2, 2005. Thereafter, the tribe may draw down these moneys from this trust account by resolution of the Tribal Council, pursuant to Federal law and regulations applicable to such accounts.

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

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

**“SEC. 20. CRIMINAL JURISDICTION.**

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

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

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

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

## **TITLE II—INDIAN LAND LEASING**

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

(a) **IN GENERAL.**—The Secretary of the Army shall convey all right, title, and interest of the United States in and to the land described in subsection (b), including all improvements, cultural resources, and sites on the land, subject to the flowage and sloughing easement described in subsection (d) and to the conditions stated in subsection (f), to the Secretary of the Interior, to be—

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

(2) included in the Prairie Island Indian Community Reservation in Goodhue County, Minnesota.

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

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

(d) **EASEMENT.**—

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

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

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

(B) the continuing right to clear and remove any brush, debris, or natural obstructions that, in the opinion of the District Engineer, may be detrimental to the project.

(e) OWNERSHIP OF STURGEON LAKE BED UNAFFECTED.—Nothing in this section diminishes or otherwise affects the title of the State of Minnesota to the bed of Sturgeon Lake located within the tracts of land described in subsection (b).

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

(1) use the conveyed land for human habitation;

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

(3) conduct gaming (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land.

(g) NO EFFECT ON ELIGIBILITY FOR CERTAIN PROJECTS.—Notwithstanding the conveyance under subsection (a), the land shall continue to be eligible for environmental management planning and other recreational or natural resource development projects on the same basis as before the conveyance.

(h) EFFECT OF SECTION.—Nothing in this section diminishes or otherwise affects the rights granted to the United States pursuant to letters of July 23, 1937, and November 20, 1937, from the Secretary of the Interior to the Secretary of War and the letters of the Secretary of War in response to the Secretary of the Interior dated August 18, 1937, and November 27, 1937, under which the Secretary of the Interior granted certain rights to the Corps of Engineers to overflow the portions of Tracts A, B, and C that lie within the Mississippi River 9-Foot Channel Project boundary and as more particularly shown and depicted on the map entitled “United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights” and dated December 1936.

#### SEC. 202. AUTHORIZATION OF 99-YEAR LEASES.

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

(1) by inserting “the reservation of the Confederated Tribes of the Umatilla Indian Reservation,” before “the Burns Paiute Reservation,”;

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

(3) by inserting “the Muckleshoot Indian Reservation and land held in trust for the Muckleshoot Indian Tribe,” after “the Cabazon Indian reservation,”;

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

(5) by striking “the lands comprising the Moses Allotment Numbered 10, Chelan County, Washington,” and inserting the following: “the lands comprising the Moses Allotment Numbered 8 and the Moses Allotment Numbered 10, Chelan County, Washington”; and

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

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

#### PURPOSE OF THE BILL

The purpose of H.R. 3351 is to make technical corrections to laws relating to Native Americans, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 3351 makes technical corrections to laws relating to Native Americans and Alaska Natives. This legislation addresses a number of minor, non-controversial tribal issues in one legislative package. As ordered reported, H.R. 3351 contains ten proposed amendments to current law in areas relating to tribal sovereignty, culture and economic development.

## COMMITTEE ACTION

H.R. 3351 was introduced on July 19, 2005, by Congressman Richard Pombo (R-CA). The bill was referred to the Committee on Resources, and was also referred to the Committee on Transportation and Infrastructure. On September 22, 2005, the Resources Committee met to consider the bill. Congressman Pombo offered an en bloc amendment to strike the word “shall” in section 107 and insert “is authorized and directed to enter into a contract in order to.” The en bloc amendment also struck section 203 from the bill and conformed to the table of contents accordingly. The amendment was adopted by unanimous consent. The bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title; table of contents*

Section 1 states the short title of the bill and lists the table of contents.

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

*Section 101. Indian Financing Act amendments*

Section 101 authorizes the implementation of a secondary market for the Bureau of Indian Affairs (BIA) loan guaranty program codified at 25 U.S.C. 1481. This provision also authorizes non-profit borrowers to be eligible entities for BIA guarantees or insurance and also increases the limit of the BIA guaranty loans outstanding from \$500 million to \$1.5 billion.

*Section 102. Gila River Indian Community binding arbitration*

Section 102 amends the Act of August 9, 1955 (25 U.S.C. 415(f)) to allow binding arbitration clauses to be included in all contracts affecting the land within the Gila River Indian Community. This language is taken from H.R. 327, introduced by Congressman Raul Grijalva (D-AZ) in the 109th Congress.

*Section 103. Alaska Native Claims Settlement Act voting standards amendment*

Section 103 amends the voting standards that apply to a vote to add shareholder descendants to a Native Regional Corporation by a majority of the shares present at the shareholders meeting. This language is taken from H.R. 1866, introduced by Congressman Don Young (R-AK) in the 109th Congress.

*Section 104. Indian tribal justice technical and legal assistance*

Section 104 extends the authorization of appropriations for the Indian Tribal Justice Technical and Legal Assistance Act (25 U.S.C. 3666) until 2010.

*Section 105. Tribal justice systems*

Section 105 extends the authorization of appropriations for the Indian Tribal Justice Act (25 U.S.C. 3621) through 2010.

*Section 106. ANCSA amendment*

Section 106 clarifies that lands conveyed by the federal government pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601) retain their non-taxable status after an exchange of land between Alaska Native Corporations.

*Section 107. Mississippi Band of Choctaw transportation reimbursement*

Section 107 would authorize and direct the United States Department of the Interior to contract with the Mississippi Department of Transportation for the purpose of reimbursing the Mississippi Band of Choctaw for funds advanced by the tribe for the purposes of improving Highway 16 in Neshoba County, Mississippi.

*Section 108. Indian Pueblo Land Act amendments*

This section clarifies the uncertainty and potential law enforcement jurisdiction problems on all 19 Indian Pueblo lands in New Mexico. This provision makes it clear that the Indian Pueblo tribal government has criminal jurisdiction over any offense committed by a member of the Pueblo or an Indian in general and that the U.S. has jurisdiction over any offense by or against an Indian not of that pueblo. The State of New Mexico has criminal jurisdiction over any offense committed by a person who is a non-Indian. This language is taken from H.R. 600, introduced by Congressman Tom Udall (D-NM) in the 109th Congress.

## TITLE II. INDIAN LAND LEASING

*Section 201. Prairie Island land conveyance*

Section 201 authorizes the transfer of lands now held by the U.S. Army Corps of Engineers to the Department of the Interior to be held in trust on behalf of the Prairie Island Indian Community. A no-gaming clause is attached to the language. The existing flowage easements by the Corps are preserved. This language is taken from H.R. 2128, introduced by Congressman John Kline (R-MN) in the 109th Congress.

*Section 202. Authorization of 99-year leases*

Section 202 authorizes the following lands to be added to the list of exceptions to the 25-year tribal business land lease limitation under 25 U.S.C. 415: the reservation of the Confederated Tribes of the Umatilla Indian Reservation; the Muckleshoot Indian Reservation and land held in trust for the Muckleshoot Indian Tribe; the lands held in trust for the Fallon Paiute Shoshone Tribes; the lands comprising Moses Allotment Numbered 8, Chelan County, Washington; land held in trust for the Yurok Tribe; and land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) 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 this bill. However, clause 3(d)(3)(B) 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 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to make technical corrections to laws relating to Native Americans.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII 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 this bill from the Director of the Congressional Budget Office:

*H.R. 3351—Native American Technical Corrections Act of 2005*

**Summary:** H.R. 3351 would make a number of changes and technical corrections to current laws concerning Native Americans. The bill would triple the maximum limit on outstanding principal for the Indian Guaranteed Loan program from \$500 million to \$1.5 billion. It would extend the authorization of appropriations for grants to Indian tribes for justice training and technical assistance, as well as for civil and criminal legal assistance grants. It also would extend the authorization of appropriations for an Office of Tribal Justice Support and for support to tribal systems. CBO estimates that implementing H.R. 3351 would cost \$2 million in 2006 and about \$210 million over the 2006–2010 period, assuming appropriation of the necessary amounts.

H.R. 3351 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Several provisions would benefit Indian tribes.

**Estimated cost to the Federal Government:** The estimated budgetary impact of H.R. 3351 is shown in the following table. The cost of this legislation would fall within budget functions 450 (community and regional development) and 750 (administration of justice).



	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION					
Spending Under Current Law for Indian Programs Reauthorized by H.R. 3351:					
Estimated Authorization Level <sup>1</sup> .....	6	62	2	2	2
Estimated Outlays .....	12	61	13	5	2
Proposed Changes:					
Increased Limit for Indian Guaranteed Loans Program:					
Estimated Authorization Level .....	0	2	5	5	6
Estimated Outlays .....	0	(*)	2	3	5
Technical and Legal Assistance for Tribal Justice:					
Estimated Authorization Level .....	10	10	10	11	11
Estimated Outlays .....	2	5	7	9	11
Tribal Justice Systems:					
Authorization Level .....	0	0	58	58	58
Estimated Outlays .....	0	0	52	58	58
Total Changes:					
Estimated Authorization Level .....	10	12	73	74	75
Estimated Outlays .....	2	5	61	70	74
Total Spending Under H.R. 3351:					
Estimated Authorization Level .....	16	74	75	76	77
Estimated Outlays .....	14	66	74	75	76

<sup>1</sup>The 2006 amount reflects appropriations provided in that year for affected programs by the Department of the Interior appropriations act. Because there is no authorization for Technical and Legal Assistance in 2006 and appropriations for the Department of Justice have not yet been enacted, the 2006 amount includes no funding for that program. Amounts for 2007 and later reflect specified authorized levels in current law for affected programs.

Note: \*=less than \$500,000; components may not sum to totals because of rounding.

**Basis of Estimated:** For this estimate, CBO assumes that H.R. 3351 will be enacted during 2006 and that the necessary amounts will be appropriated for each year.

#### *Increased limit for Indian guaranteed loans*

The Indian Guaranteed Loan program currently guarantees around \$400 million in outstanding loans to Indian Tribes, Alaska Natives, and individual Indian-owned businesses to help develop and encourage Indian management of Indian resources. CBO estimates that if appropriations for the program continue at current rates, the outstanding value of guaranteed loans would reach the current statutory limit of \$500 million in 2007. After reaching that limit, the program would only be able to guarantee new loans to the extent that existing ones are repaid. Under this bill, the limit of \$500 million on the value of outstanding loans would increase to \$1.5 billion.

Under credit reform procedures, funds must be appropriated in advance to cover the subsidy cost of such loan guarantees, measured on a present value basis. The cost of such subsidies depends on the volume of loans guaranteed and the risk associated with different types of projects. The current loan-guarantee program has an estimated average subsidy rate of about 5 percent. Based on information from the department, CBO estimates that new guarantee commitments would average about \$100 million a year over the next five years. Accounting for the gradual disbursement of new loans under those commitments, CBO estimates that guaranteeing new loans over the 2007–2010 period would cost about \$10 million, subject to appropriation of the necessary amounts.

#### *Technical and legal assistance for tribal justice*

Section 104 could authorize the appropriation of such sums as may be necessary for fiscal years 2006 through 2010 to the Depart-

ment of Justice to provide grants to support tribal courts and legal assistance programs. In 2005, \$10 million was appropriated for these programs. CBO estimates that continuing this program at the 2005 level and adjusting for anticipated inflation would require appropriations of \$52 million and result in outlays of \$34 million over the five-year period.

*Tribal justice systems*

Section 105 would authorize the appropriation of \$58 million a year over the 2008–2010 period for the Department of the Interior to provide grants to Indian tribes to support tribal justice systems and for the administrative expenses of the Office of Tribal Justice Support. These grants could be used to hire judicial personnel, provide technical assistance and training, offer victim assistance, acquire law library materials, and similar purposes. CBO estimates that implementing this provision would cost \$168 million over the 2008–2010 period, assuming the appropriation of the specified amounts.

Intergovernmental and private-sector impact: H.R. 3351 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Several provisions would benefit Indian tribes.

Previous CBO estimate: On April 29, 2005, CBO transmitted a cost estimate for S. 536, the Native American Omnibus Act of 2005, as ordered reported by the Senate Committee on Indian Affairs on March 9, 2005. The total cost of implementing H.R. 3351 would be significantly less than that for S. 536 because provisions from the Senate bill that would reauthorize programs from the Native American Programs Act of 1974 and extend the authorization for the Morris K. Udall Scholarship and Excellence Foundation are not included in H.R. 3351.

S. 536 also includes the provision to increase the limit on outstanding loans for the Indian Guaranteed Loan program, but CBO's April 29, 2005, estimate did not include the estimated cost of \$10 million over the 2007–2010 period for that provision.

Estimate prepared by: Federal Costs: Mike Waters and Mark Grabowicz; Impact on State, Local and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Selena Caldera.

Estimate approved by: Peter H. Fontaine; Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) 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):

**INDIAN FINANCING ACT OF 1974**

\* \* \* \* \*

**TITLE II—LOAN GUARANTY AND INSURANCE**

**[SEC. 201. In order]**

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

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

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

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

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

\* \* \* \* \*

**[SEC. 204.]**

**SEC. 204. LOAN APPROVAL.**

The application for a loan to be guaranteed hereunder shall be submitted to the Secretary for approval. The Secretary may review each loan application individually and independently from the lender. Upon approval, the Secretary shall issue a certificate as evidence of the guaranty. Such certificate shall be issued only when, in the judgment of the Secretary, there is a reasonable prospect of repayment. No loan to an individual Indian may be guaranteed or insured which would cause the total unpaid principal indebtedness to exceed \$500,000. No loan to an economic enterprise (as defined in section 3) in excess of \$250,000, or such lower amount as the Secretary may determine to be appropriate, shall be insured unless prior approval of the loan is obtained from the Secretary.

**[SEC. 205. (a) IN GENERAL.**—Any loan guaranteed or insured under this title, including the security given for such loan, may be sold or assigned by the lender to any person.

**[(b) INITIAL TRANSFERS.—**

**[(1) IN GENERAL.—**The lender of a loan guaranteed or insured under this title may transfer to any individual or legal entity—

**[(A) all rights and obligations of the lender in the loan or in the unguaranteed or uninsured portion of the loan; and**

**[(B) any security given for the loan.**

**[(2) ADDITIONAL REQUIREMENTS.—**With respect to a transfer described in paragraph (1)—

**[(A) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (i); and**

- [(B) the lender shall give notice of the transfer to the Secretary.
- [(3) RESPONSIBILITIES OF TRANSFEREE.—On any transfer under paragraph (1), the transferee shall—
- [(A) be deemed to be the lender for the purpose of this title;
- [(B) become the secured party of record; and
- [(C) be responsible for—
- [(i) performing the duties of the lender; and
- [(ii) servicing the loan in accordance with the terms of the guarantee by the Secretary of the loan.
- [(c) SECONDARY TRANSFERS.—
- [(1) IN GENERAL.—Any transferee under subsection (b) of a loan guaranteed or insured under this title may transfer to any individual or legal entity—
- [(A) all rights and obligations of the transferee in the loan or in the unguaranteed or uninsured portion of the loan; and
- [(B) any security given for the loan.
- [(2) ADDITIONAL REQUIREMENTS.—With respect to a transfer described in paragraph (1)—
- [(A) the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (i); and
- [(B) the transferor shall give notice of the transfer to the Secretary.
- [(3) ACKNOWLEDGMENT BY SECRETARY.—On receipt of a notice of a transfer under paragraph (2)(B), the Secretary shall issue to the transferee an acknowledgment by the Secretary of—
- [(A) the transfer; and
- [(B) the interest of the transferee in the guaranteed or insured portion of the loan.
- [(4) RESPONSIBILITIES OF LENDER.—Notwithstanding any transfer permitted by this subsection, the lender shall—
- [(A) remain obligated on the guarantee agreement or insurance agreement between the lender and the Secretary;
- [(B) continue to be responsible for servicing the loan in a manner consistent with that guarantee agreement or insurance agreement; and
- [(C) remain the secured creditor of record.]
- SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.**
- (a) *IN GENERAL.*—All or any portion of a loan guaranteed or insured under this title, including the security given for the loan—
- (1) *may be transferred by the lender by sale or assignment to any person; and*
- (2) *may be retransferred by the transferee.*
- (b) *TRANSFERS OF LOANS.*—With respect to a transfer described in subsection (a)—
- (1) *the transfer shall be consistent with such regulations as the Secretary shall promulgate under subsection (h); and*
- (2) *the transferee shall give notice of the transfer to the Secretary.*
- [(d)] (c) **FULL FAITH AND CREDIT.**—

(1) \* \* \*

(2) **VALIDITY.**—

**(A) IN GENERAL.**—Except as provided in subparagraph (B), **VALIDITY.**—*Except as provided by regulations in effect on the date on which a loan is made,* the validity of a guarantee or insurance of a loan under this title shall be **incontestable** if the obligations of the guarantee or insurance held by a transferee have been acknowledged under subsection (c)(3).

**(B) EXCEPTION FOR FRAUD OR MISREPRESENTATION.**—Subparagraph (A) shall not apply in a case in which a transferee has actual knowledge of fraud or misrepresentation, or participates in or condones fraud or misrepresentation, in connection with a loan. **incontestable.**

**(e) (d) DAMAGES.**—Notwithstanding section 3302 of title 31, United States Code, the Secretary may recover from a lender of a loan under this title any damages suffered by the Secretary as a result of a material breach of the obligations of the lender with respect to a guarantee or insurance by the Secretary of the loan.

**(f) (e) FEES.**—**The Secretary**

(1) **IN GENERAL.**—*The Secretary* may collect a fee for any loan or guaranteed or insured portion of a loan that is transferred in accordance with this section.

(2) **COMPENSATION OF FISCAL TRANSFER AGENT.**—*A fiscal transfer agent designated under subsection (f) may be compensated through any of the fees assessed under this section and any interest earned on any funds or fees collected by the fiscal transfer agent while the funds or fees are in the control of the fiscal transfer agent and before the time at which the fiscal transfer agent is contractually required to transfer such funds to the Secretary or to transferees or other holders.*

**(g) (f) CENTRAL REGISTRATION OF LOANS.**—On promulgation of final regulations under subsection **(i) (h)**, the Secretary shall—

(1) \* \* \*

(2) enter into 1 or more contracts with a fiscal transfer agent—

(A) \* \* \*

(B) to carry out on behalf of the Secretary the central registration and fiscal transfer agent functions, and issuance of acknowledgments, under this section.

**(h) (g) POOLING OF LOANS.**—

(1) \* \* \*

\* \* \* \* \*

**(i) (h) REGULATIONS.**—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop such procedures and promulgate such regulations as are necessary to facilitate, administer, and promote transfers of loans and guaranteed and insured portions of loans under this section.

SEC. 206. Loans made by any agency or instrumentality of the Federal Government, or by an organization of Indians from funds borrowed from the United States, and loans the interest on which is not included in gross income for the purposes of chapter 1 of the **Internal Revenue Code of 1954, as amended,** *Internal Revenue Code of 1986 (except loans made by certified Community Develop-*

ment Finance Institutions) shall not be eligible for guaranty or insurance hereunder.

\* \* \* \* \*

SEC. 217. (a) \* \* \*

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

\* \* \* \* \*

**ACT OF AUGUST 9, 1955**

AN ACT To authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) any restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with operations under such leases, for grazing purposes, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops as determined by said Secretary. All leases so granted shall be for a term of not to exceed twenty-five years, except leases of land located outside the boundaries of Indian reservations in the State of New Mexico, leases of land on the Agua Caliente (Palm Springs) Reservation, the Dania Reservation, the Pueblo of Santa Ana (with the exception of the lands known as the "Santa Ana Pueblo Spanish Grant"), the reservation of the Confederated Tribes of the Warm Springs Reservation of Oregon, the Moapa Indian reservation, the Swinomish Indian Reservation, the Southern Ute Reservation, the Fort Mojave Reservation, *the reservation of the Confederated Tribes of the Umatilla Indian Reservation*, the Burns Paiute Reservation, the Kalispel Indian Reservation, the pueblo of Cochiti, the pueblo of Pojoaque, the pueblo of Tesuque, the pueblo of Zuni, the Hualapai Reservation, the Spokane Reservation, the San Carlos Apache Reservation, *the Yavapai-Prescott Community Reservations*, the Pyramid Lake Reservation, the Gila River Reservation, the Soboba Indian Reservation, the Viejas Indian Reservation, the Tulalip Indian Reservation, the Navajo Reservation, the Cabazon Indian Reservation, *the Muckleshoot Indian Reservation and land held in trust for the Muckleshoot Indian Tribe*, the Mille Lacs Reservation with respect to a lease between an entity established by the Mille Lacs Band of Chippewa Indians and the Minnesota Historical Society, leases of **【the lands comprising the Moses Allotment Numbered 10, Chelan County, Washington,】** *the lands comprising the Moses Allotment Numbered 8 and the Moses Allotment Numbered 10, Chelan County, Washington,* and lands held in trust for the Las Vegas Paiute Tribe of Indians, and lands held in trust for the Twenty-nine Palms Band of Luiseno Mission Indians, and

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

\* \* \* \* \*

(f) **Any lease entered into under the Act of August 9, 1955 (69 Stat. 539), as amended, or any contract entered into under section 2103 of the Revised Statutes (25 U.S.C. 81), as amended, affecting land** *Any contract, including a lease, affecting land* within the Gila River Indian Community Reservation may contain a provision for the binding arbitration of disputes arising out of such lease or contract. **Such leases or contracts entered into pursuant to such Acts** *Such contracts* shall be considered within the meaning of "commerce" as defined and subject to the provisions of section 1 of title 9, United States Code. Any refusal to submit to arbitration pursuant to a binding agreement for arbitration or the exercise of any right conferred by title 9 to abide by the outcome of arbitration pursuant to the provisions of chapter 1 of title 9, sections 1 through 14, United States Code, shall be deemed to be a civil action arising

under the Constitution, laws or treaties of the United States within the meaning of section 1331 of title 28, United States Code.

\* \* \* \* \*

**ALASKA NATIVE CLAIMS SETTLEMENT ACT**

\* \* \* \* \*

PROCEDURES FOR CONSIDERING AMENDMENTS AND RESOLUTIONS

SEC. 36. (a) \* \* \*

\* \* \* \* \*

(d) VOTING STANDARDS.—(1) \* \* \*

\* \* \* \* \*

[(d)](3) A resolution described in subsection (a)(3) of this section or an amendment to the articles of incorporation described in section 7(g)(1)(B) shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

(A) a majority of the shares present or represented by proxy at the meeting relating to such resolution or amendment, or

(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution or amendment (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.

\* \* \* \* \*

(f) SUBSTANTIALLY ALL OF THE ASSETS.—For purposes of this section and [section 1629e of this title] section 39, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation's total assets.

\* \* \* \* \*

SETTLEMENT TRUST OPTION

SEC. 39. (a) CONVEYANCE OF CORPORATE ASSETS.—(1) \* \* \*

\* \* \* \* \*

(3) Conveyances made pursuant to this subsection—

(A) \* \* \*

(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if—

(i) \* \* \*

(ii) a shareholder vote on such transfer is required by [(a)(4) of section 1629b of this title] section 36(a)(4).

\* \* \* \* \*



**SECTION 337 OF THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003**

(Division F of Public Law 108-7)

SEC. 337. CLARIFICATION OF ALASKA NATIVE SETTLEMENT TRUSTS. (a) [Section 1629b of title 43, United States Code,] *Section 36 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b)* is amended—

(1) \* \* \*

(2) [by creating the following new subsection:] *in subsection (d), by adding at the end the following:*

“(d)(3) A resolution described in subsection (a)(3) of this section shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

“(A) \* \* \*

\* \* \* \* \*

(3) [by creating the following new subsection:] *by adding at the end the following:*

“(f) SUBSTANTIALLY ALL OF THE ASSETS.—For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation’s total assets.”

(b) [Section 1629e(a)(3) of title 43, United States Code,] *Section 39(a)(3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(a)(3))* is amended by striking subparagraph (B) and inserting in its place the following:

“(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if—

“(i) \* \* \*

\* \* \* \* \*

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**INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE ACT OF 2000**

\* \* \* \* \*

**TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS**

\* \* \* \* \*

**SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

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

**TITLE II—INDIAN TRIBAL COURTS**

**SEC. 201. GRANTS.**

(a) \* \* \*

\* \* \* \* \*

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

\* \* \* \* \*

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**SECTION 201 OF THE INDIAN TRIBAL JUSTICE ACT**

**SEC. 201. TRIBAL JUSTICE SYSTEMS.**

(a) OFFICE.—There is authorized to be appropriated to carry out the provisions of sections 101 and 102 of this Act, \$7,000,000 for each of the fiscal years 2000 through **[2007]** *2010*. None of the funds provided under this subsection may be used for the administrative expenses of the Office.

(b) BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS.—There is authorized to be appropriated to carry out the provisions of section 103 of this Act, \$50,000,000 for each of the fiscal years 2000 through **[2007]** *2010*.

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

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

\* \* \* \* \*

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**ACT OF JUNE 7, 1924**

**CHAP. 331.**—AN ACT To quiet the title to lands within Pueblo Indian land grants, and for other purposes.

\* \* \* \* \*

**SEC. 20. CRIMINAL JURISDICTION.**

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

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

(c) *JURISDICTION OF THE UNITED STATES.*—*The United States has jurisdiction over any offense described in chapter 53 of title 18, United States Code, committed by or against an Indian as defined*

*in section 201 of the Act of April 11, 1968 (25 U.S. C. 1301) or any Indian-owned entity, or that involves any Indian property or interest.*

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

COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,  
Washington, DC, October 20, 2005.

Hon. DON YOUNG,  
*Chairman, Committee on Transportation and Infrastructure,  
Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I request your assistance in scheduling H.R. 3351, the Native American Technical Corrections Act of 2005, for consideration by the House of Representatives. This bill was referred primarily to the Committee on Resources and additionally to your committee. The Committee on Resources ordered it favorably reported on September 22, 2005, and hopes to file its bill report soon.

The basis of your referral was the inclusion of language from H.R. 2186, a bill transferring land from the Army Corps of Engineers to the Department of the Interior to be held in trust for the Prairie Island Indian Community in Minnesota. Although the Committee on Transportation and Infrastructure has not acted on this bill, I understand that you do not object to the substance of the provision.

By allowing the Transportation and Infrastructure Committee to be discharged from further consideration of H.R. 3351, you are not waiving any jurisdiction you may have over that bill or H.R. 2186. I also agree that in the unlikely event that this bill becomes the focus of a conference committee that I will support your request to be represented on that conference. I also agree that this discharge will not serve as precedent for future referrals. Finally, I would be pleased to include this letter and your response in the bill report on H.R. 3351 to memorialize our agreement.

Thank you for your consideration of my request. I look forward to another Congress of extraordinary cooperation between our committees on matters of mutual interest.

Sincerely,

RICHARD W. POMBO,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
*Washington, DC, October 21, 2005.*

Hon. RICHARD W. POMBO,  
*Chairman, Committee on Resources,  
Longworth Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3351, the Native American Technical Corrections Act of 2005. As you correctly point out, this legislation also falls within the jurisdiction of Transportation and Infrastructure Committee.

I understand your strong interest in moving this important legislation to the House Floor as soon as possible. Accordingly, I will support discharging the Committee on Transportation and Infrastructure from further consideration of the bill.

I appreciate your assurances that a decision to be discharged from further consideration of the bill should not be considered as precedent for future referrals of similar measures or as affecting the Transportation and Infrastructure Committee's subject matter jurisdiction and that you would support the appointment of conferees from the Committee should a conference with the Senate become necessary. In addition, I appreciate your inclusion of our letters in the Committee Report accompanying the bill.

I congratulate you for your leadership on H.R. 3351 and look forward to working with you and your colleagues as the legislation advances.

Sincerely,

DON YOUNG,  
*Chairman.*

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