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COMMITTEE REPORTS

108th Congress, 1st Session

Senate Report 108-49

*108 S. Rpt. 49*

MAKING TECHNICAL CORRECTIONS TO LAWS RELATING TO NATIVE  
AMERICANS, AND FOR OTHER PURPOSES R E P O R T

**DATE:** May 15, 2003. Ordered to be printed

**NOTICE:** [A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]  
[D> Text within these symbols is deleted <D]

**SPONSOR:** Mr. Campbell submitted the following

**COMMITTEE:** From the Committee on Indian Affairs

REPORT

[To accompany S. 523] Retrieve bill tracking report Retrieve full text version

**TEXT:**

**SENATE** The Committee on Indian Affairs, to which was referred the bill (S. 523) to make technical corrections to laws relating to Native Americans, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

**Purpose** The purpose of the Native American Technical Corrections Act of 2003 is to address a number of technical changes in one bill, obviating the need for the introduction and enactment of separate smaller bills. S. 523 contains twenty-four provisions, including the extension of several expiring authorizations, amending provisions and statutes relating to particular Indian tribes, and modifying certain Native American programs.

**Background** S. 523 contains re-authorizations of the Bosque Redondo Memorial Act, the Navajo-Hopi Land Settlement Act of 1974, and the Four Corners Interpretive Center Act; provides for technical amendments to statutes affecting certain Indian tribes; and changes to general laws relating to Native American programs.

**Legislative History** The Native American Technical Corrections Act of 2003 was introduced on March 5, 2003 by Senator Campbell, for himself and for Senator Inouye, and was referred to the Committee on Indian Affairs. On April 10, 2003, the Committee on Indian Affairs convened a business meeting to consider S. 523 and other measures that had been referred to it. On that date, the Committee favorably reported an amendment in the nature of a substitute to S. 523.

**Committee Recommendation and Tabulation of Vote** On April 10, 2003, the Committee on Indian Affairs, in an open business session, adopted an amendment in the nature of a substitute to S. 523 by voice vote and ordered the bill, as amended, reported favorably to the Senate.

Section-by-Section Analysis of the Substitute Amendment

**SECTION 1. SHORT TITLE: TABLE OF CONTENTS** Section 1 provides the short title of the Act as the Native American Technical Corrections Act of 2003 and provides a Table of Contents for the bill.

**SECTION 2. DEFINITION OF SECRETARY** Section 2 defines the term "Secretary" to mean the Secretary of the

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Interior.

TITLE I TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

Subtitle A Technical Amendments

Section 101. Bosque Redondo Memorial Act Section 101 extends the authority of the Bosque Redondo Memorial Act, 114 Stat. 2369, from fiscal year 2000 to fiscal year 2004 and extends the authorization for appropriations through fiscal year 2006. Authority for the carryover of funds is extended from fiscal year 2002 to fiscal year 2007.

Section 102. Navajo-Hopi Land Settlement Act Section 102 extends the authority of programs authorized by the Navajo-Hopi Land Settlement Act of 1974, 25 U.S.C. 640(d) et seq., through fiscal year 2006.

Section 103. Tribal sovereignty Section 103 clarifies that Indian tribes that accepted the Indian Reorganization Act (IRA), 25 U.S.C. 476 are not required to adopt constitutions pursuant to the IRA and remain free to organize their governing bodies pursuant to organizational governing documents that they determine.

Section 104. Cow Creek Band of Umpqua Indians Section 104 amends the Cow Creek Band of Umpqua Tribe of Indians Recognition Act, 25 U.S.C. 712 et seq. to clarify that lands shall be treated as on-reservation land for the purpose of processing acquisitions of real property into trust.

Section 105. Pueblo de Cochiti; modification of settlement Section 105 amends the Pueblo de Cochiti Settlement, Section 1 of Pub. L. 102-358, 106 Stat. 960, by requiring that the modifications regarding the use of the settlement funds as described in the first Amendment to Operation and Maintenance Agreement for Implementation of Cochiti Wetlands Solution be implemented.

Section 106. Four Corners Interpretive Center Section 106 re-authorizes the Four Corners Interpretive Center Act, Pub. L. 106-143, 113 Stat. 1706, through fiscal year 2008.

Section 107. Chippewa Cree Tribe; modification of settlement As part of the Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999

(Act), Pub. L. 106-163, the courts, including all appeals, are required to ratify the water rights compact that had been agreed to by the State of Montana and the Tribe within three years from the date of petition for ratification. The State of Montana and the Tribe jointly petitioned the Montana Water Court on February 14, 2000. A final decision, including appeals, has not been issued. Section 107 extends the period in which the courts have to ratify the water rights compact from three years to five years.

Section 108. Mississippi Band of Choctaw Indians

Section 108 corrects the legal descriptions for certain lands already placed into trust and reservation status for the Mississippi Band of Choctaw Indians. This section does not authorize any additional lands to be placed into trust.

Section 109. Rehabilitation of Celilo Indian Village

Section 109 add Celilo Village, Oregon, to the Columbia River Treaty Fishing Access Sites provision of the Southern California Indian Land Transfer Act, Pub. L. 100-581, which authorizes the Army Corps of Engineers to rehabilitate existing Indian fishing sites.

Section 110. Inheritance of certain trust or restricted land

This section amends the Sisseton-Wahpeton Heirship Act, Pub. L. 98-513, to provide that members may not devise an interest (including a life estate under section 4) in the land that is less than 2.5 acres to more than one tribal member unless each tribal member already holds an interest in that land; and (2) any interest in trust or restricted land within the reservation that is less than 2.5 acres that would otherwise pass by interstate succession (including a life estate in the land under section 4), or that is devised to more than one tribal member that is not described in paragraph (1), shall revert to the Indian tribe, to be held in the name of the United States in trust for the Indian tribe.

Subtitle B Other Provisions Relating to Native Americans

Section 121. Barona Band of Mission Indians; facilitation of construction of pipeline to provide water for emergency fire suppression and other purposes

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Section 121 authorizes the Barona Band of Mission Indians to take lands into trust for the purposes of building a water pipeline to assist both the Federal and local fire service by providing a water supply that can be used for any fire suppression activities.

Section 122. Conveyance of Alaskan objects

Section 122 amends the Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. 1601 et seq., and requires the Secretary of Agriculture to convey to the relevant Alaskan Native corporations all artifacts, physical remains, and copies of any available field records that are still in possession of the Department of Agriculture or any of its relevant offices.

Section 123. Oglala Sioux Tribe; waiver of repayment of expert assistance loans

Section 123 waives balances due and owing on the loans made to the Oglala Sioux Tribe for expert witness fees and expenses.

Section 124. Pueblo of Acoma; land and mineral consolidation

Section 124 amends Pub. L. 107-138, to authorize the Secretary of the Interior to acquire land and subsurface rights within the boundaries of the Acoma Indian Reservation by issuing bidding/royalty credits as an alternative form of payment.

Section 125. Pueblo of Santo Domingo; waiver of repayment of expert assistance loans

Section 125 waives balances due and owing on loans made to the Pueblo of Santo Domingo for expert witness fees and expenses.-Fols: 49/7-8

Section 126. Quinault Indian Nation; water feasibility study Section 126 authorizes the Secretary of the Interior to conduct a water source, quantity and quality feasibility study for the Quinault Indian Nation.

Section 127. Santee Sioux Tribe; study and report Section 127 authorizes a feasibility study to determine the most feasible method of developing an industrial water plant.

Section 128. Seminole Tribe of Oklahoma; waiver of repayment of expert assistance loans Section 128 waives balances due and owing on loans made to the Seminole Tribe of Oklahoma for expert witness fees and expenses.

Section 129. Shakopee Mdewakanton Sioux Community Section 129 authorizes the Shakopee Tribe to sell, lease, convey, or warrant lands it holds in fee.

Section 130. Agua Caliente Band of Cahuilla Indians Section 130 authorizes the Department of the Interior to take land into trust for the Agua Caliente Band of Cahuilla Indians and extinguishes the restrictive covenant attached to that parcel.

Section 131. Saginaw Chippewa Tribal College Section 131 would add the Saginaw Chippewa Tribal College to the list of eligible institutions under the Equity in Educational Land Grant Status Act of 1994, Pub. L. 103-382.

Section 132. Ute Indian Tribe; oil shale reserve Section 102 amends the Indian Mineral Development Act, 25 U.S.C. 2101 et seq., the Indian Nonintercourse Act, 25 U.S.C. 177, and the Omnibus Indian Contracts Act, 25 U.S.C. 81, in order to exempt the mineral and development activity on certain lands held in trust by the Ute Indian Tribe from the above acts in order to execute resource development contracts with third parties.

TITLE II PUEBLO OF SANTA CLARA AND PUEBLO OF SAN ILDEFONSO Section 201. Definitions

Section 201 defines the terms "Agreement", "Boundary Line", "Governors", "Indian Tribe", "Pueblos", and "Trust Land".

Section 202. Trust for the Pueblo of Santa Clara, New Mexico This section declares the right, title, and interest of the United States in certain enumerated tracts of land in Rio Arriba County to be held in trust for the Pueblo of Santa Clara.

Section 203. Trust for the Pueblo of San Ildefonso, New Mexico This section declares the rights (including mineral rights), title, and interest of the United States in certain enumerated tracts of land in Rio Arriba and Santa Fe counties, New Mexico, to be held in trust for the Pueblo of San Ildefonso.

Section 204. Survey and legal descriptions This section directs the Office of Cadastral Survey of the Bureau of Land Management to conduct a survey of the boundary lines between the properties. The section states that the description of

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the properties, once approved by the Governors of the Pueblos, will be printed in the Federal Register.

Section 205. Administration of trust land This section declares the lands taken into trust are to be part of the Santa Clara Indian Reservation and the San Ildefonso Indian Reservation. This section also directs that the lands be administered in accordance with any law (including regulations) or court order generally applicable to property held by the U.S. government in trust for Indian tribes. In addition, the section subjects the trust lands to the Pueblo Lands Act of 1924. Finally, the section requires the trust lands to be used only for traditional or customary uses or stewardship conservation and specifically prohibits the lands from being used for any new commercial developments.

#### Section 2906. Effect

This section provides that nothing in this Title will be construed so as to: (1) affect any person's existing right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest in or to the trust lands; (2) affect any existing right or claim of either Pueblo to any lands or interest in lands based upon aboriginal or Indian title; or (3) constitute the reservation of water or water rights in the trust lands or any change in status of water rights of either Pueblo.

#### Section 207. Gaming

This section provides that the lands taken into trust under this Title may not be used for gaming.

### TITLE III DISTRIBUTION OF QUINALT PERMANENT FISHERIES FUNDS

#### Section 301. Distribution of Judgement Funds

Section 301 is divided into four subsections.

Subsection (a) authorizes the establishment of three separate accounts into which specified funds are to be deposited.

Subsection (b) provides that the tribe has discretionary authority to determine the amount of funds available for expenditure under the second and third accounts.

Subsection (c) requires the tribe to maintain the records and investment activities of the three accounts separately. The records and activities shall be audited annually.

Subsection (d) mandates that a full accounting of the previous fiscal year's investment activities and expenditures from all funds shall be made available to the tribal membership no later than 120 days after the close of the tribe's fiscal year.

#### Section 302. Conditions for distribution

Section 302 provides for the judgment funds to be disbursed to the Tribe not later than 30 days after enactment of this Act.

It also relieves the United States of all trust responsibility and liability for the investment, supervision, administration, or expenditure of the judgment funds once the funds are disbursed to the tribe. Finally, the funds distributed shall be subject to section 7 of the Indian Tribal Judgment Funds Use or Distribution Act, relating to the use of distribution of certain judgment funds awarded by the Indian Claims Commission or the Court of Claims.

#### Cost and Budgetary Consideration

The cost estimate for S. 523 as calculated by the Congressional Budget Office, is set forth below:

U.S. Congress, Congressional Budget Office,

Washington, DC, May 12, 2003.

Hon. Ben Nighthorse Campbell, Chairman, Committee on Indian Affairs,

U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for S. 523, the Native American Technical Corrections Act of 2003.

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

Sincerely,

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Barry B. Anderson (For Douglas Holtz-Eakin, Director).

Enclosure.

S. 523 Native American Technical Corrections Act of 2003

Summary: S. 523 would authorize appropriations for various programs that affect Indians and Indian Tribes. CBO estimates that implementing S. 523 would cost \$14 million in 2004 and \$50 million over the 2004–2008 period, assuming appropriation of the necessary amounts.

S. 523 also would waive the repayment of expert assistance loans to the Pueblo of Santo Domingo, the Oglala Sioux Tribe, and the Seminole Tribe of Oklahoma. Currently, the tribes owe the Department of the Interior almost \$300,000 in principal and interest on loans provided to pay the expenses of expert witnesses in the tribe's claims against the federal government. CBO estimates that enacting this provision would increase direct spending by about \$300,000 in fiscal year 2003.

S. 523 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. Enacting this legislation would benefit a number of Indian tribes.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 523 is shown in the following table. The cost of this legislation would fall with budget functions 300 (natural resources and environment), 450 (community and regional development), and 800 (general government).

2004

2006

2008

SPENDING SUBJECT TO APPROPRIATION<sup>1</sup> Bosque Redondo Memorial Act:

Authorization level 1 1 1 0 0 Estimated outlays 1 1 1 0 0 Navajo–Hopi Land Settlement Act:

Estimated authorization level 7 7 7 8 8 Estimated outlays 4 7 7 8 8 Rehabilitation of Celilo Indian Village:

Estimated authorization level 11 0 0 0 0 Estimated outlays 7 4 0 0 0 Quinault Indian Nation Water Feasibility Study:

Estimated authorization level 1 0 0 0 0 Estimated outlays 1 0 0 0 0 Santee Sioux Tribe, Study and Report:

Estimated authorization level 1 0 0 0 0 Estimated outlays 1 0 0 0 0 Total:

Estimated authorization level 21 8 8 8 8 Estimated outlays 14 12 8 8 8

<sup>1</sup>Enacting S. 523 also would increase direct spending by about \$300,000 in 2003.

Basis of estimate For the purposes of this estimate, CBO assumes that S. 523 will be enacted by the end of calendar year 2003 and that the necessary amounts will be appropriated for each fiscal year.

Spending subject to appropriation CBO estimates that implementing S. 523 would cost about \$50 million over the 2004–2008 period to implement the activities that would be authorized by the bill. Bosque Redondo Memorial. Section 101 would authorize the appropriation of \$1 million in 2004 and \$500,000 in years 2005 and 2006 for the Secretary of Defense to make grants to the state for up to 50 percent of the cost of constructing the Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument. The state would be required to match the federal contributions to be eligible for the grants. Based on information from the state, CBO expects that those matching funds would be provided in the same year the federal share is appropriated. Assuming the appropriation of the specified amounts, CBO estimates that the federal share of the costs of constructing the monument would be \$2 million over the 2004–2006 period. Navajo–Hopi Land Settlement. Section 102 would authorize the appropriation of funds through 2008 for Navajo and Hopi Indian housing and relocation benefits for tribal members living in disputed areas. Assuming appropriation of the necessary amounts, CBO estimates that this provision would cost \$34 million over the 2004–2008 period. This estimate assumes that annual appropriations over the 2004–2008 period would equal the \$7 million appropriated for fiscal year 2003, with an adjustment for anticipated inflation. Rehabilitation of Celilo Indian Village. The bill would authorize the U.S. Army Corps



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of Engineers to rehabilitate the Celilo Indian Village in Oregon. Based on information from the Corps, CBO estimates that this provision would cost \$11 million over the 2004–2008 period. Quinault Indian Nation Water Feasibility Study. Section 126 would authorize the Secretary of the Interior to conduct a feasibility study of current and future domestic and commercial water supply needs of the Quinault Indian Nation. Based on information from the Bureau of Reclamation, CBO estimates that the study would cost \$1 million in fiscal year 2004, assuming appropriation of the necessary amount in that year. Santee Sioux Tribe, Study, and Report. This bill would authorize the Bureau of Reclamation to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water treatment and distribution system for the Santee Sioux Tribe of Nebraska. Based on information from the agency, CBO estimates that this study would cost \$500,000 over the 2004–2008 period. Saginaw Chippewa Tribal College. The bill would add the Saginaw Chippewa Tribal College to the list of Indian tribal colleges eligible for certain funds from the agriculture Department. Under the Equity in Educational Land–Grant Status Act of 1994 (7 U.S.C. 301 note), \$100,000 per year is authorized to be appropriated for each Indian tribal college to provide for facilities and instruction in food and agricultural sciences. CBO estimates that this provision would cost \$500,000 over the 2004–2008 period.–Fols: x49/16–19

Direct spending Section 210 would waive the repayment of expert assistance loans made to the Pueblo of Santo Domingo, the Oglala Sioux Tribe, and the Seminole Tribe of Oklahoma. Currently, the tribes owe the Department of the Interior almost \$300,000 in principal and interest on loans provided to pay the expenses of expert witnesses in the tribe's claims against the federal government. CBO estimates that enacting this provision would increase direct spending by about \$300,000 in fiscal year 2003.

Title II would direct the Secretary of the Interior to take 4,484 acres of federal lands and interests into trust on behalf of the Pueblo of Santa Clara and the Pueblo of San Ildefonso in New Mexico. Taking lands into trust for Indian tribes could result in forgone offsetting receipts (a credit against direct spending) if, under current law, the lands would generate income from programs to develop natural resources. According to BLM, however, the affected lands currently generate no significant receipts and are not expected to do so over the next 10 years. Further, the bill specifies that valid existing rights would not be affected by the proposed transfer of lands; hence, CBO estimates that any forgone offsetting receipts under S. 523 would be negligible.

Estimate prepared by: Federal costs: David Newman Bosque Redondo Memorial, Lanette J. Walker Waiver of Expert Assistance Loans, Megan Carroll Pueblo of Santa Clara and the Pueblo of San Ildefonso, Julie Middleton Rehabilitation of Celilo Indian Village, Quinault Indian Nation Water Feasibility Study, and Santee Sioux Tribe, Study and Report, Matthew Pickford Navajo–Hopi Land Settlement, David Hull Saginaw Chippewa Tribal College; impact on state, local, and tribal governments: Marjorie Miller; and impact on the private sector: Cecil McPherson.

Regulatory Impact Statement Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in implementing the legislation. The Committee has concluded that enactment of S. 523 will create only a de minimis regulatory or paperwork burdens.

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

#### Changes in Existing Law

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the enactment of S. 523 will result in the following changes in existing law, (existing law proposed to be omitted is enclosed in black brackets and the new language to be added in italic):

#### BOSQUE REDONDO MEMORIAL ACT

114 Stat. 2369

Section 206(a) of the Bosque Redondo Memorial Act is amended as follows:

(a) In General. There are authorized to be appropriated to carry out this title

(1) \$1,000,000 for fiscal year [D>2000<D] 2004; and

(2) \$500,000 for each of fiscal years [D>2001<D] 2005 and [D>2002<D] and 2006.

(b) Carryover. Any funds made available under this section that are unexpended at the end of the fiscal year for which

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those funds are appropriated, shall remain available for use by the Secretary through September 30, [D>2002<D] 2007 for the purposes for which those funds were available.

## NAVAJO-HOPI LAND SETTLEMENT ACT OF 1974

25 U.S.C. 650d

Section 24 (a)(8) of Public Law 93-531 is amended as follows:

(8) for the purpose of carrying out the provisions of section 640d-14 of this title, there is authorized to be appropriated not to exceed \$30,000,000 [D>annually for fiscal 1995, 1996, 1997, 1998, 1999, and 2000<D] for each of fiscal years 2003 through 2006.

## INDIAN REORGANIZATION ACT

25 U.S.C. 476

Section 16 of the Act of June 18, 1934 is amended as follows:

(h) Tribal Sovereignty. Notwithstanding any other provision of this act

(1) each Indian tribe shall retain inherent sovereign power to adopt governing documents under procedures other than those specified in this section; and

(2) nothing in this Act invalidates any constitution or other governing document adopted by an Indian tribe after June 18, 1934, in accordance with the authority described in paragraph (1).

## COW CREEK LAND SELECTION

25 U.S.C. 712 et seq.

Section 7 of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act is amended in the third sentence as follows:

Real property taken into trust pursuant to this section shall become part of the Tribe's reservation, and shall be treated as on-reservation land for the purpose of processing acquisitions of real property into trust. Real property taken into trust pursuant to this section shall not be considered to have been taken into trust for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

## MODIFICATION OF PUEBLO DE COCHITI SETTLEMENT

Pub. L. 102-358

Section 1 of Pub. L. 102-358 is amended as follows:

The Secretary of the Interior and the Secretary of the Army are authorized and directed to [D>implement the settlement<D] implement

(1) the settlement; agreement negotiated under the authority of Public Law 100-202 by the Pueblo of Cochiti of New Mexico, a federally recognized Indian Tribe, and the United States Army Corps of Engineers, as set forth in the report of the Corps of Engineers entitled "Report on Investigations, We Field Solution", dated July 24, 1990, addressing seepage problems at the Cochiti Dan on tribal lands [D>.<D]; and

(2) the modifications regarding the use of settlement funds as described in the agreement known as the "First Amendment to Operation and Maintenance Agreement for Implementation of Chochitic Wetlands Solution", executed

(A) on October 22, 2001, by the Pueblo de Cochiti of New Mexico; and

(B) on November 8, 2001, by the Secretary of the Interior.

## FOUR CORNERS INTERPRETIVE CENTER ACT

Pub. L 106-143

Section 7 of the Four Corners Interpretive Center Act is amended as follows:

(a) Authorizations. There are to be authorized to be appropriated to the Department of the Interior to carry out this Act

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(1) \$2,000,000 for fiscal year 2000; and

(2) \$50,000 for each of fiscal years 2001 through [D>2005<D] 2008 for maintenance and operation of the Center, program development, or staffing in a manner consistent with the requirements of section 5(b).

(b) Carryover. Funds made available under section (a)(1) that are unexpended at the end of the fiscal year for which those funds are appropriated, may be used by the Secretary through fiscal year [D>2002<D] 2005 for the purposes for which those funds are made available.

(c) Reservation of Funds. The Secretary may reserve funds appropriated pursuant to this Act until a grant proposal meeting the requirements of this Act is submitted, but no later than September 30, [D>2001<D] 2004.

#### CHIPPEWA CREE TRIBE; MODIFICATION OF SETTLEMENT Pub. L. 106-163

Section 101(b)(3) of the Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999 (Pub. L. 106-163); 113 Stat. 1782) is amended as follows:

(3) Effect of failure of approval to become final. In the event the approval by the appropriate court, including any direct appeal, does not become final within [D>3 years<D] 5 years after the filing of the decree, or the decree is approved but is subsequently set aside by the appropriate court

(A) the approval, ratification, and confirmation of the Compact by the United States shall be null and void; and

(B) except as provided in subsection (a) and (c)(3) of section 5 and section 105(e)(1), this Act shall be of no further force and effect. MISSISSIPPI BAND OF CHOCTAW INDIANS

Pub. L. 106-228 Section 1(a)(2) of Public Law 106-228 is amended as follows:

(2) all land held in fee by the Mississippi Band of Choctaw Indians located within the boundaries of the State of Mississippi, as shown in the [D>report entitled "Report of Fee Lands owned by the Mississippi Band of Choctaw Indians", dated September 28, 1999, on file in the Office of the Superintendent, Choctaw Agency, Bureau of Indian Affairs, Department of the Interior, is hereby declared<D] report entitled "Report of May 17, 2002, Clarifying and Correction Legal Descriptions or Recording Information for Certain Lands placed into Trust and Reservation Status for the Mississippi Band of Choctaw Indians by Section 1(a)(2) of Pub. L. 106-228, as amended by Title VIII, Section 811 of Pub. L. 206-568" on file in the office of the Superintendent, Choctaw Agency, Bureau of Indian Affairs, Department of the Interior, is declared to be held by the United States in trust for the benefit of the Mississippi Band of Choctaw Indians; and REHABILITATION OF CELILO INDIAN VILLAGE

Pub. L. 100-581 Section 401(b)(3) of Public Law 100-581 is amended as follows:

(b) Notwithstanding any other provision of law, the Secretary of the Army shall

(3) make improvements at Celilo Village and other existing sites, including but not limited to dredging at the site at Wind River, Washington, and constructing a boat ramp on near the site at Cascade Locks, Oregon.

#### INHERITANCE OF CERTAIN TRUST OR RESTRICTED LAND

Pub. L. 98-513

Section 5 of Public Law 98-513 is amended as follows: Notwithstanding any other provision of this Act, [D>no person shall be entitled by devise or descent to take any interest, including any interest in a life estate under section 4 of this Act, less than two and one-half acres, or the equivalent thereof, in trust or restricted land within the reservation. Any interest less than two and one-half acres of a devisee or intestate distributee of a decedent under section 3 of this Act, shall escheat to the tribe and title to such escheated interest shall be taken in the name of the United States in trust for the tribe; Provided that the provisions of this section shall not be applicable to the devise or descent of any interest in trust or restricted land located within a municipality.<D]

(a) In General. Notwithstanding any other provision of this Act

(1) the owner of an interest in trust or restricted land within the reservation may not devise an interest (including a life estate under section 4) in the land that is less than 2.5 acres to more than one tribal member unless each tribal member already holds an interest in that land; and



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(2) any interest in trust or restricted land within the reservation that is less than 2.5 acres that would otherwise pass by intestate succession (including a life estate in the land under section 4), or that is devised to more than one tribal member that is not described in paragraph (1), shall revert to the Indian tribe, to be held in the name of the United States in trust for the Indian tribe.

(b) Notice.

(1) In general. Not later than 180 days after the date of enactment of the Indian Probate Reform Act of 2003, the Secretary shall provide notice to owners of trust or restricted land within the Lake Traverse Reservation of the provisions of this section by

(A) direct mail;

(B) publication in the Federal Register; or

(C) publication in local newspapers.

(2) Certification. After providing notice under paragraph (1), the Secretary shall

(A) certify that the requirement of this subsection have been met; and

(B) shall publish notice of that certification in the Federal Register.

(b) Applicability. This section and the amendment made by this section shall not apply with respect to the estate of any person who dies before the date that is one year after the date on which the Secretary makes the required certification under section 5(b) of Pub. L. 98-513 (98 Stat. 2413) (as amended by subsection (a)).

#### SAGINAW CHIPPEWA TRIBAL COLLEGE

Pub. L. 103-382

Section 532 of Public Law 103-382 is amended as follows:

(21) Turtle Mountain Community College,

(22) Saginaw Chippewa Tribal College;

(23) Navajo Community College,

(24) United Tribes Technical College,

(25) Southwest Indian Polytechnic Institute,

(26) Institute of American Indian and Alaska Native Culture and Arts Development,

(27) Crownpoint Institute of Technology,

(28) Haskell Indian Junior College,

(29) Leech Lake Tribal College,

(30) College of the Menominee Nation.

#### UTE INDIAN TRIBE

Pub. L. 105-261

Section 3405(c) of Public Law 105-261 is amended as follows:

[D>The land conveyed to the Tribe under subsection (b) shall not revert to the United States for management in trust status.<D]

(3) With respect to land conveyed to the Tribe under subsection (b)

(A) the land shall not be subject to any Federal restriction on alienation; and

(B) notwithstanding any provision to the contrary in the constitution, bylaws, or charter of the Tribe, the Act of May 11, 1938 (commonly known as the "Indian Mineral Leasing Act of 1938") (25 U.S.C. 396a et seq.), the Indian Mineral

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Development Act of 1982 (25 U.S.C. 2101 et seq.), section 2103 of the Revised Statutes (25 U.S.C. 81), or section 2116 of the Revised Statutes (25 U.S.C. 177), or any other law, no purchase, grant, lease, or other conveyance of the land (or any interest in the land), and no exploration, development, or other agreement relating to the land that is authorized by resolution by the governing body of the Tribe, shall require approval by the Secretary of the Interior or any other Federal official.

**SUBJECT:** NATIVE AMERICANS (94%); TRIBAL LANDS & GOVERNMENT (90%); LEGISLATION (90%); APPROPRIATION & VOTING (78%); WETLANDS (73%); WATER RIGHTS (73%); REAL ESTATE INDUSTRY (72%); RIVERS (72%); WATER QUALITY (65%);

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