105TH CONGRESS 2d Session | HOUSE OF REPRESENTATIVES | REPORT 105–733

TO MAKE CERTAIN TECHNICAL CORRECTIONS IN LAWS RELATING TO NATIVE AMERICANS, AND FOR OTHER PURPOSES

SEPTEMBER 18, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 4068]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4068) to make certain technical corrections in laws relating to Native Americans, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

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

SECTION 1. AUTHORIZATION FOR 99-YEAR LEASES.

The second sentence of subsection (a) of the first section of the Act entitled "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", approved August 9, 1955 (25 U.S.C. 415(a)), is amended—

(1) by inserting "lands held in trust for the Confederated Tribes of the Grand Ronde Community of Oregon," after "lands held in trust for the Cahuilla Band of Indians of California,"; and

(2) by inserting "the Cabazon Indian Reservation," after "the Navajo Reservation,".

SEC. 2. GRAND RONDE RESERVATION ACT.

Section 1(c) of the Act entitled "An Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes", approved September 9, 1988 (25 U.S.C. 713f note; 102 Stat. 1594), is amended—

(1) by striking "10,120.68 acres of land" and inserting "10,311.60 acres of land"; and

(2) in the table contained in that subsection, by striking:

"4	7	30	Lots 3, 4, SW¼NW¼, SE¼NE¼, E½SW¼	240;"

and all that follows through the end of the table and inserting the following:

"6	8	1	N½SW¼	29.59
6	8	12	W½SW¼NE¼, SE¼SW¼NE¼NW¼, N½SE¼NW¼, N½SW¼SW¼SE¼	21.70
6	8	13	W½E½NW¼NW¼	5.31
6	7	7	E½E½	57.60
6	7	8	SW¼SW¼NW¼, W½SW¼	22.46
6	7	17	NW¼NW¼, N½SW¼NW¼	10.84
6	7	18	E½NE¼	43.42
			Total	10,311.60".

SEC. 3. NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT.

Section 12 of the Navajo-Hopi Land Dispute Settlement Act of 1996 (110 Stat. 3653) is amended—

(1) in subsection (a)(1)(C), by inserting "of surface water" after "on such lands"; and

(2) in subsection (b), by striking "subsection (a)(3)" each place it appears and inserting "subsection (a)(1)(C)".

SEC. 4. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary of the Interior shall take such action as may be necessary to extend the terms of the projects referred to in section 512 of the Indian Health Care Improvement Act (25 U.S.C. 1660b) so that the term of each such project expires on October 1, 2002.

(b) AMENDMENT TO INDIAN HEALTH CARE IMPROVEMENT ACT.—Section 512 of the Indian Health Care Improvement Act (25 U.S.C. 1660b) is amended by adding at the end the following:

"(c) In addition to the amounts made available under section 514 to carry out this section through fiscal year 2000, there are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2001 and 2002.".

SEC. 5. CONFEDERATED TRIBES OF COOS, LOWER UMPQUA, AND SIUSLAW INDIANS RESERVATION ACT.

Section 7(b) of the Coos, Lower Umpqua, and Siuslaw Restoration Act (25 U.S.C. 714e(b)) is amended by adding at the end the following:

"(4) In Lane County, Oregon, a parcel described as beginning at the common corner to sections 23, 24, 25, and 26 township 18 south, range 12 west, Willamette Meridian; then west 25 links; then north 2 chains and 50 links; then east 25 links to a point on the section line between sections 23 and 24; then south 2 chains and 50 links to the place of origin, and containing .062 of an acre, more or less, situated and lying in section 23, township 18 south, range 12 west, of Willamette Meridian.".

SEC. 6. HOOPA VALLEY RESERVATION BOUNDARY ADJUSTMENT.

Section 2(b) of the Hoopa Valley Reservation South Boundary Adjustment Act (25 U.S.C. 1300i–1 note) is amended—

(1) by striking "north 72 degrees 30 minutes east" and inserting "north 73 degrees 50 minutes east"; and

(2) by striking "south 15 degrees 59 minutes east" and inserting "south 14 degrees 36 minutes east".

SEC. 7. CLARIFICATION OF SERVICE AREA FOR CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON.

Section 2 of the Act entitled "An Act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon", approved September 4, 1980 (25 U.S.C. 711e note; 94 Stat. 1073), is amended by adding at the end the following:

"(c) Subject to the express limitations under sections 4 and 5, for purposes of determining eligibility for Federal assistance programs, the service area of the Confederated Tribes of the Siletz Indians of Oregon shall include Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties in Oregon.".

SEC. 8. LOWER SIOUX INDIAN COMMUNITY.

Notwithstanding any other provision of law, the Lower Sioux Indian Community in Minnesota is hereby authorized to sell, convey, and warrant to a buyer, without further approval of the United States, all the Community's interest in the following real property located in Redwood County, Minnesota:

> A tract of land located in the Northeast Quarter (NE¼) of Section Five (5), Township One Hundred Twelve (112) North, Range Thirty-five (35) West, County of Redwood and State of Minnesota, described as follows: Commencing at the north quarter corner of Section 5 in Township 112 North, Range 35 West of the 5th Principal Meridian; thence east a distance of 678 feet; thence south a distance of 650 feet; thence South 45 degrees West a distance of 367.7 feet; thence west a distance of 418 feet to a point situated on the north and south quarter line of said Section 5; thence north a distance of 910 feet to the place of beginning, subject to highway easements of record, and containing 13.38 acres, more or less.

Nothing in this section is intended to authorize the Lower Sioux Indian Community in Minnesota to sell any of its lands that are held in trust by the United States.

SEC. 9. FEDERAL TRUST EMPLACEMENT OF TRIBAL LANDS.

The Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712 et seq.) is amended by adding at the end the following new section:

"SEC. 7. CERTAIN PROPERTY TAKEN INTO TRUST.

"The Secretary of the Interior shall accept title to any real property located in the Umpqua River watershed upstream from Scottsburg, Oregon, or the northern slope of the Rogue River watershed upstream from Agness, Oregon, if conveyed or otherwise transferred to the United States by or on behalf of the Tribe and shall place such land in trust for the benefit of the Tribe. Land taken into trust pursuant to this section shall become part of the Tribe's reservation lands.".

SEC. 10. AMENDMENTS TO THE JICARILLA APACHE TRIBE WATER RIGHTS SETTLEMENT ACT.

(a) Section 8(e)(3) of the Jicarilla Apache Tribe Water Rights Settlement Act, as amended by Public Law 104–261, is further amended by striking "December 31, 1998" and inserting in lieu thereof "December 31, 2000".

(b) The Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441) is amended by adding at the end the following new section:

"SEC. 12. APPROVAL OF STIPULATION.

"Notwithstanding any other provision of Federal law, including section 2116 of the Revised Statutes (25 U.S.C. 177), the Stipulation and Settlement Agreement, dated October 7, 1997, between the Jicarilla Apache Tribe and other parties to State of New Mexico v. Aragon, No. CIV–7941 JC, U.S. Dist. Ct., D.N.M., approved by the United States District Court in that proceeding, is hereby approved.".

SEC. 11. SAN LUIS REY INDIAN WATER RIGHTS SETTLEMENT ACT.

Section 105(c) of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675; 102 Stat. 4000), as amended by section 117 of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102–154; 105 Stat. 1012–1013), is amended—

(1) by inserting "(1)" before "Until"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), prior to completion of the final settlement and as soon as feasible, the Secretary is authorized and directed to disburse a total of $8,000,000, of which $1,600,000 will go to each of the Bands, from the interest income which has accrued to the Fund. The disbursed funds shall be invested or used for economic development of the Bands, the Bands' reservation land, and their members and may not be used for per capita payments to members of any Band. The United States shall not be liable for any claim or causes of action arising from the Bands' use or expenditure of moneys distributed from the Fund.".

SEC. 12. NATIVE HAWAIIAN HEALTH SCHOLARSHIP PROGRAM.

(a) ELIGIBILITY.—Section 10(a)(1) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709(a)(1)) is amended by striking "meet the requirements of section 338A of the Public Health Service Act (42 U.S.C. 2541)" and inserting "meet the requirements of paragraphs (1), (3), and (4) of section 338A(b) of the Public Health Service Act (42 U.S.C. 254*l*(b))".

(b) TERMS AND CONDITIONS.—Section 10(b)(1) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709(b)(1)) is amended—

(1) in subparagraph (A), by inserting "identified in the Native Hawaiian comprehensive health care master plan implemented under section 4" after "health care professional";

(2) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) the primary health services covered under the scholarship assistance program under this section shall be the services included under the definition of that term under section 12(8);";

(4) by striking subparagraph (D), as redesignated, and inserting the following:

"(D) the obligated service requirement for each scholarship recipient shall be fulfilled through the full-time clinical or nonclinical practice of the health profession of the scholarship recipient, in an order of priority that would provide for practice—

"(i) first, in any 1 of the 5 Native Hawaiian health care systems; and

"(ii) second, in—

"(I) a health professional shortage area or medically underserved area located in the State of Hawaii; or

"(II) a geographic area or facility that is—

"(aa) located in the State of Hawaii; and

"(bb) has a designation that is similar to a designation described in subclause (I) made by the Secretary, acting through the Public Health Service;";

(5) in subparagraph (E), as redesignated, by striking the period and inserting a comma; and

(6) by adding at the end the following:

"(F) the obligated service of a scholarship recipient shall not be performed by the recipient through membership in the National Health Service Corps; and

"(G) the requirements of sections 331 through 338 of the Public Health Service Act (42 U.S.C. 254d through 254k), section 338C of that Act (42 U.S.C. 254m), other than subsection (b)(5) of that section, and section 338D of that Act (42 U.S.C. 254n) applicable to scholarship assistance provided under section 338A of that Act (42 U.S.C. 254*l*) shall not apply to the scholarship assistance provided under subsection (a) of this section.".

SEC. 13. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) AUTHORIZATION.—Section 711(h) of the Indian Health Care Improvement Act (25 U.S.C. 1665j(h)) is amended by striking "of the fiscal years" and inserting "of fiscal years".

(b) REFERENCE.—Section 4(12)(B) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12)(B)) is amended by striking "Indian Self-Determination and Education Assistance Act of 1975" and inserting "Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)".

SEC. 14. REPEAL.

Section 326(d)(1) of Public Law 105–83 is repealed.

PURPOSE OF THE BILL

The purpose of H.R. 4068 is to make certain technical corrections in laws relating to Native Americans, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4068 would make certain technical corrections in laws relating to Native Americans. In addition to those technical corrections relating to typographical errors in existing law are provisions which: (1) extend leasing authority to 99 years for the Confederated Tribes of the Grand Ronde Community of Oregon and for the Cabazon Indian Reservation; (2) add 0 .062 acres of land, the driveway to an Indian cemetery, to the Coos, Lower Umpqua, and Siuslaw Tribal Reservation; (3) adjust the bearings provided for in the Hoopa Valley Reservation South Boundary Adjustment Act so as to correct the location of the true north line as determined in modern surveys conducted by the Bureau of Land Management; (4)

expand the service area of the Confederated Tribes of the Siletz Indians of Oregon; (5) authorize the Lower Sioux Indian Community to sell a 13.38 acre parcel of real property which the Tribe owns in fee; (6) direct the Secretary of the Interior to take certain land into trust for the benefit of the Cow Creek Band of the Umpqua Indian Tribe; (7) approve the transfer of certain water rights pursuant to the Jicarilla Apache Tribe Water Rights Settlement Act; (8) authorize the disbursement of certain interest income pursuant to the San Luis Rey Indian Water Rights Settlement Act; and (9) amend the Native Hawaiian Health Care Improvement Act to define primary health services covered under the scholarship assistance program.

H.R. 4068 also makes certain technical corrections to various statutes which involve the insertion or deletion of words or citations which have the effect of clarifying those statutes.

COMMITTEE ACTION

H.R. 4068 was introduced on June 16, 1998, by Congressman Don Young (R–AK) and referred to the Committee on Resources. On July 29, 1998, the Full Committee on Resources met to consider H.R. 4068. An amendment to extend the deadline for completion of various actions to be taken relating to the Jicarilla Apache Tribe water rights settlement Act and to delete an unnecessary effective date provision within that Act, delete a provision within H.R. 4068 which was not within the jurisdiction of the Committee on Resources, and delete certain use restrictions relating to a service facility of the Ketchikan Indian Corporation was offered by Congressman Young and adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

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

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 4068.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 4068. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, the bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of H.R. 4068 would result in a new $6 million in increased direct spending from extending the deadline for the settlement in the Jicarilla Apache Tribe water rights settlement (these funds have already been appropriated) and from disbursement of interest to five tribes under the San Luis Rey Indian Water Rights Settlement Act (although this spending would be offset by savings of future payments that would otherwise be made). The bill would also result in discretionary savings of less than $500,000 a year over the 1999–2003 time period.

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

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

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 16, 1998.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4068, a bill to make certain technical corrections in laws relating to Native Americans, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts for federal costs are Kristen Layman and Dorothy Rosenbaum. The contact for the impact on state, local, and tribal governments is Marjorie Miller.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

H.R. 4068—A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes

Summary: H.R. 4068 would make technical corrections in laws relating to Native Americans. The bill would adjust boundaries on reservation lands, transfer certain lands into trust, extend leases on land in Oregon, clarify service areas, disburse interest payments

from the San Luis Rey Indian Water Rights Settlement Act, amend the Native Hawaiian Health Care Improvement Act, amend the Jicarilla Apache Tribe Water Rights Settlement Act, and authorize the appropriation of such sums as may be necessary for the Oklahoma City and Tulsa urban demonstration projects under section 512 of the Indian Health Care Improvement Act.

Enhancing H.R. 4068 would affect direct spending; therefore, pay-as-you-go procedures would apply. CBO estimates that this bill would result in additional direct spending of $14 million over the 1999–2003 period. However, $8 million of that spending would likely be offset by savings of future payments that would otherwise be made. CBO cannot estimate the precise timing of those offsetting savings, but we expect that such payments would not occur in the next few years under current law. CBO estimates that implementing the bill would also result in discretionary savings of less than $500,000 over the 1999–2003 period.

H.R. 4068 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would benefit some Indian tribes, but would have no significant impact on the budgets of state or local governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4068 is shown in the following table. The costs of this legislation fall within budget function 450 (community and regional development).

	By fiscal years, in millions of dollars—				
	1999	2000	2001	2002	2003
CHANGES IN DIRECT SPENDING					
Estimated Budget Authority	0	0	0	0	0
Estimated Outlays	8	0	6	(1)	(1)

[1] The legislation would trigger direct spending of about $8 million in 1999, but these costs would be offset by savings in subsequent years from payments that would otherwise be made in the absence of H.R. 4068. CBO cannot predict the precise timing of such payments if H.R. 4068 is not enacted, but we expect that the settlement leading to those payments would not occur in the next few years.

Note.—H.R. 4068 also would affect spending subject to appropriation, but the effects would total less thn $500,000 over the 1999–2003 period.

Basis of estimate

Direct spending

Section 10 would amend the Jicarilla Apache Tribe Water Rights Settlement Act to extend the deadline for completing the settlement among the Jicarilla Apache tribe, the state of New Mexico, and the federal government by two years, to December 31, 2000. Extending the deadline would likely result in the expenditure of $6 million in funds that have already been appropriated for the tribe but that would probably not be spent under current law. Without the extension of the settlement deadline, it appears that no settlement will be completed. Under H.R. 4068, CBO expects that a settlement would be obtained and the funds would likely be spent in fiscal year 2001.

Section 11 would amend the San Luis Rey Indian Water Rights Settlement Act to disburse $8 million of accrued interest to five tribes. This spending would likely be offset by savings of future payments that would otherwise be made in absence of H.R. 4068—when the pending settlement is completed. Under current law, the

tribes would not be able to draw upon the accrued interest until such a settlement has been completed. Based on information from the Attorney Soliciter's Office within the Department of the Interior, CBO expects that a final settlement will probably occur within the next 10 years. Although it is possible that the settlement could happen at any time, CBO believes that it is unlikely to occur in the next few years. Thus, authorizing the disbursement of the interest income would speed up the spending of that income. Based on information from the Bureau of Interior Affairs (BIA), CBO estimates that disbursement of the $8 million in interest would occur in one lump sum in fiscal year 1999.

Spending subject to appropriation

H.R. 4068 would add land in Oregon to the list of lands that have 99-year leases instead of the standard 25-year lease. Based on information provided by BIA, CBO estimates that this provision would result in discretionary savings because it would reduce the paperwork requirements of lease renewal after the lease period has ended. CBO estimates that such savings would total less than $500,000 over the 1999–2003 period.

Section 3 would extend the boundaries of the Grand Ronde Reservation by about 200 acres. These 200 acres are currently held in trust by the federal government for the Confederated Tribes of the Grande Ronde Community of Oregon. Sources at the BIA in Oregon say that those who live on the 200 acres are already tribal members and receive all benefits accorded to tribal members. As a result, CBO estimates that this provision would not result in any additional costs to the federal government.

Section 4 would authorize the appropriation of such sums as may be necessary for fiscal years 2001 and 2002 for the Oklahoma City and Tulsa urban demonstration projects under section 512 of the Indian Health Care Improvement Act. Because the law requires that these two demonstration projects be treated as service areas, they receive funding from the hospitals and clinics portion of the Indian Health Service (IHS) budget rather than from the Urban Programs authorization. Because IHS activities in hospitals and clinics are permanently authorized at indefinite amounts by the Snyder and Transfer Acts, CBO assumes that appropriations for the two demonstration projects are also permanently authorized under current law. As a result, CBO estimates that the bill's authorization of such sums as may be necessary for these programs would not increase the amount authorized to be appropriated. In fiscal year 1998, the two demonstration projects received $5 million.

Section 5 would add land in Lane County, Oregon, to reservation land that is held in trust for the Confederated Tribes of Coos. Currently the land is held in trust for the tribes, and no one is living on the land. CBO estimates that this provision would not result in any additional costs to the federal government.

Section 7 would clarify the 11 counties that would be considered part of the service area of the Confederated Tribes of the Siletz Indians of Oregon for the purposes of determining eligibility for federal assistance programs. Because the counties are already considered the service area for this tribe under an administrative action,

CBO estimates that this provision would not have any budgetary effect.

Section 9 would direct the Secretary of the Interior to take land located in the Umpqua River watershed into trust for the Cow Creek Band of Umpqua Tribe of Indians. The legislation does not specify the land that would be taken into trust. Land affected by this amendment would be land that the tribes would purchase or have conveyed to them. CBO estimates that this provision would not result in any additional cost to the federal government.

Pay-as-you-go-considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. The bill would not affect governmental receipts. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal years, in millions of dollars—										
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Changes in outlays	0	8	0	6	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Changes in receipts	Not applicable										

[1] The legislation would trigger direct spending of about $8 million in 1999, but these costs would be offset by savings in subsequent years from payments that would otherwise be made in the absence of H.R. 4068. CBO cannot predict the precise timing of such payments that would be required if H.R. 4068 is not enacted, but we expect that the settlement leading to those payments would not occur in the next few years.

Estimated impact on State, local, and tribal governments: H.R. 4068 contains no intergovernmental mandates as defined in UMRA. The bill would benefit some Indian tribes, but would have no significant impact on the budgets of State or local governments. In particular, section 10 would amend the Jicarilla Apache Tribe Water Rights Settlement Act to extend the deadline for completing this settlement. Without such an extension, the tribe will probably lose $6 million in funds previously appropriated for their use. Section 11 would amend the San Luis Rey Indian Water Rights Settlement Act to authorize the immediate distribution of $8 million to the five tribes covered by that act.

Estimated impact on the private sector: H.R. 4068 contains no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On September 16, 1998, CBO prepared an estimate for S. 1925, a bill to make certain technical corrections in laws relating to Native Americans, as ordered reported by the Senate Committee on Indian Affairs on June 29, 1998. H.R. 4068 would amend the Jicarilla Apache Tribe Water Rights Settlement Act to extend the deadline for settlement completion, while S. 1925 would not. Thus, CBO's estimate for S. 1925 does not include the cost of $6 million in 2001 identified in this estimate. Other provisions in the two bills are nearly identical.

Estimate prepared by: Federal Costs: Kristen Layman and Dorothy Rosenbaum. Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 4068 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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

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 Moapa Indian reservation, the Swinomish Indian Reservation, the Southern Ute Reservation, the Fort Mojave 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, 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 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 lands comprising 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 Cherokee Nations of Oklahoma, lands held in trust for the Pueblo of Santa Clara, 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.

* * * * * * *

ACT OF SEPTEMBER 9, 1988

AN ACT To establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes.

SECTION 1. ESTABLISHMENT OF RESERVATION.

(a) * * *

* * * * * * *

(c) LANDS DESCRIBED.—The lands referred to in subsection (a) are approximately **[**10,120.68**]** *10,311.60* acres of land located in Oregon and more particularly described as:

Willamette Meridian, Oregon

Township Range

South	West	Section	Subdivision	Acres
4	8	36	SE¼SE¼	40.00
4	7	31	Lots 1, 2, NE¼, E½NW¼	320.89
5	7	6	All	634.02
5	7	7	All	638.99
5	7	18	Lots 1&2, NE¼, E½NW¼	320.07
5	8	1	SE¼	160.00
5	8	3	All	635.60
5	8	7	All	661.75
5	8	8	All	640.00
5	8	9	All	640.00
5	8	10	All	640.00
5	8	11	All	640.00
5	8	12	All	640.00
5	8	13	All	640.00
5	8	14	All	640.00
5	8	15	All	640.00
5	8	16	All	640.00

South	West	Section	Subdivision	Acres
6	8	1	S½E½SE¼SW¼	10.03
6	7	8	Tax lot 800	5.55
[4	7	30	Lots 3, 4, SW¼NE¼, SE¼NW¼,E½SW¼	240
			Total	10,120.68]
6	*8*	*1*	*N½SW¼*	*29.59*
6	*8*	*12*	*W½SW¼NE¼, SE¼SW¼NE¼NW¼, N½SE¼NW¼, N½SW¼SW¼SE¼*	*21.70*
6	*8*	*13*	*W½E½NW¼NW¼*	*5.31*
6	*7*	*7*	*E½E½*	*57.60*
6	*7*	*8*	*SW¼SW¼NW¼, W½SW¼*	*22.46*
6	*7*	*17*	*NW¼NW¼, N½SW¼NW¼*	*10.84*
6	*7*	*18*	*E½NE¼*	*43.42*
			Total	*10,311.60*

SECTION 12 OF THE NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT OF 1996

SEC. 12. WATER RIGHTS.

(a) IN GENERAL.—

(1) WATER RIGHTS.—Subject to the other provisions of this section, newly acquired trust lands shall have only the following water rights:

(A) * * *

* * * * * * *

(C) The right to make any further beneficial use on such lands *of surface water* which is unappropriated on the date each parcel of newly acquired trust lands is taken into trust. The priority date for the right shall be the date the lands are taken into trust.

* * * * * * *

(b) RECOGNITION AS VALID USES.—

(1) GROUNDWATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of groundwater which may be made from wells (or their subsequent replacements) in existence on the date each parcel of newly acquired trust land is acquired and shall not object to such groundwater uses on the basis of water rights associated with the newly acquired trust lands. The Tribe, and the United States on the Tribe's behalf, may object only to the impact of groundwater uses on newly acquired trust lands which are initiated after the date the lands affected are taken into trust and only on grounds allowed by the State law as it exists when the objection is made. The Tribe, and the United States on the Tribe's behalf, shall not object to the impact of groundwater

uses on the Tribe's right to surface water established pursuant to subsection [(a)(3)] *(a)(1)(C)* when those groundwater uses are initiated before the Tribe initiates its beneficial use of surface water pursuant to subsection [(a)(3)] *(a)(1)(C)*.

* * * * * * *

INDIAN HEALTH CARE IMPROVEMENT ACT

* * * * * * *

TITLE V—HEALTH SERVICES FOR URBAN INDIANS

* * * * * * *

TREATMENT OF CERTAIN DEMONSTRATION PROJECTS

SEC. 512. (a) * * *

* * * * * * *

(c) In addition to the amounts made available under section 514 to carry out this section through fiscal year 2000, there are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2001 and 2002.

* * * * * * *

TITLE VII—SUBSTANCE ABUSE PROGRAMS

* * * * * * *

SUBSTANCE ABUSE COUNSELOR EDUCATION DEMONSTRATION PROJECT

SEC. 711. (a) * * *

* * * * * * *

(h) There are authorized to be appropriated for each [of the fiscal years] *of fiscal years* 1996 through 2000, such sums as may be necessary to carry out the purposes of this section. Such sums shall remain available until expended.

* * * * * * *

SECTION 7 OF THE COOS, LOWER UMPQUA, AND SIUSLAW RESTORATION ACT

RESERVATION

SEC. 7. (a) * * *

(b) LEGAL DESCRIPTION.—So long as the lands are offered to the Federal Government free of purchase cost, the Secretary shall accept the following lands in trust for the tribe as a reservation:

(1) * * *

* * * * * * *

(4) In Lane County, Oregon, a parcel described as beginning at the common corner to sections 23, 24, 25, and 26 township 18 south, range 12 west, Willamette Meridian; then west 25 links; then north 2 chains and 50 links; then east 25 links to

a point on the section line between sections 23 and 24; then south 2 chains and 50 links to the place of origin, and containing .062 of an acre, more or less, situated and lying in section 23, township 18 south, range 12 west, of Willamette Meridian.

* * * * * * *

SECTION 2 OF THE HOOPA VALLEY RESERVATION SOUTH BOUNDARY ADJUSTMENT ACT

SEC. 2. TRANSFER OF LANDS WITHIN SIX RIVERS NATIONAL FOREST FOR HOOPA VALLEY TRIBE.

(a) * * *

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are those portions of Townships 7 North and 8 North, Ranges 5 East and 6 East, Humboldt Meridian, California, within a boundary beginning at a point on the current south boundary of the Hoopa Valley Indian Reservation, marked and identified as "Post H.V.R. No. 8" on the Plat of the Hoopa Valley Indian Reservation prepared from a field survey conducted by C.T. Bissel, Augustus T. Smith, and C.A. Robinson, Deputy Surveyors, approved by the Surveyor General, H. Pratt, March 18, 1892, and extending from said point on a bearing of [north 72 degrees 30 minutes east] *north 73 degrees 50 minutes east*, until intersecting with a line beginning at a point marked as "Post H.V.R. No. 3" on such survey and extending on a bearing of [south 15 degrees 59 minutes east] *south 14 degrees 36 minutes east*, comprising 2,641 acres more or less.

* * * * * * *

SECTION 2 OF THE ACT OF SEPTEMBER 4, 1980

AN ACT To establish a reservation for the Confederated Tribes of Siletz Indians of Oregon.

SEC. 2. (a) * * *

* * * * * * *

(c) Subject to the express limitations under sections 4 and 5, for purposes of determining eligibility for Federal assistance programs, the service area of the Confederated Tribes of the Siletz Indians of Oregon shall include Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties in Oregon.

COW CREEK BAND OF UMPQUA TRIBE OF INDIANS RECOGNITION ACT

SEC. 7. CERTAIN PROPERTY TAKEN INTO TRUST.

The Secretary of the Interior shall accept title to any real property located in the Umpqua River watershed upstream from Scottsburg, Oregon, or the northern slope of the Rogue River watershed upstream from Agness, Oregon, if conveyed or otherwise transferred to the United States by or on behalf of the Tribe and shall place such land in trust for the benefit of the Tribe. Land taken into trust pur-

suant to this section shall become part of the Tribe's reservation lands.

JICARILLA APACHE TRIBE WATER RIGHTS SETTLEMENT ACT

* * * * * * *

SEC. 8. TRUST FUND; AUTHORIZATION OF APPROPRIATIONS.

(a) * * *

* * * * * * *

(e) DISMISSAL OF CLAIMS.—(1) * * *

* * * * * * *

(3) If the two partial final decrees specified in paragraph (1)(B) are not entered by December 31, [1998] *2000*, the Fund shall be terminated, and amounts contributed to the Fund by the United States, shall be deposited in the general fund of the Treasury.

* * * * * * *

SEC. 12. APPROVAL OF STIPULATION.

Notwithstanding any other provision of Federal law, including section 2116 of the Revised Statutes (25 U.S.C. 177), the Stipulation and Settlement Agreement, dated October 7, 1997, between the Jicarilla Apache Tribe and other parties to State of New Mexico v. Aragon, No. CIV–7941 JC, U.S. Dist. Ct., D.N.M., approved by the United States District Court in that proceeding, is hereby approved.

SECTION 105 OF THE SAN LUIS REY INDIAN WATER RIGHTS SETTLEMENT ACT

SEC. 105. SAN LUIS REY TRIBAL DEVELOPMENT FUND.

(a) * * *

* * * * * * *

(c) AUTHORITY TO DISBURSE INTEREST INCOME FROM THE SAN LUIS REY TRIBAL DEVELOPMENT FUND.—*(1)* Until the final settlement agreement is completed, the Secretary is authorized and directed, pursuant to such terms and conditions deemed appropriate by the Secretary, to disburse to the San Luis Rey Indian Water Authority, hereinafter referred to as the "Authority", funds from the interest income which has accrued to the San Luis Rey Tribal Development Fund, hereinafter referred to as the "Fund". The funds shall be used only to assist the Authority in its professional development to administer the San Luis Rey Indian Water Settlement, and in the Authority's participation and facilitation of the final water rights settlement agreement of the five mission bands, subject to the terms of the Memorandum of Understanding Between the Band and the Department dated August 17, 1991.

(2) Notwithstanding paragraph (1), prior to completion of the final settlement and as soon as feasible, the Secretary is authorized and directed to disburse a total of $8,000,000, of which $1,600,000 will go to each of the Bands, from the interest income which has accrued to the Fund. The disbursed funds shall be invested or used for economic development of the Bands, the Bands' reservation land,

and their members and may not be used for per capita payments to members of any Band. The United States shall not be liable for any claim or causes of action arising from the Bands' use or expenditure of moneys distributed from the Fund.

NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT

* * * * * * *

SEC. 10. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.

(a) ELIGIBILITY.—Subject to the availability of funds appropriated under the authority of subsection (c) of this section, the Secretary shall provide funds through a direct grant or a cooperative agreement to Kamehameha School/Bishop Estate for the purpose of providing scholarship assistance to students who—

(1) meet the requirements of section 329 of the Public Health Service Act (42 U.S.C. 254b), and

(2) are Native Hawaiians.

(b) TERMS AND CONDITIONS.—(1) The scholarship assistance provided under subsection (a) of this section shall be provided under the same terms and subject to the same conditions, regulations, and rules that apply to scholarship assistance provided under section 338A of the Public Health Service Act (42 U.S.C. 254l), provided that—

(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional *identified in the Native Hawaiian comprehensive health care master plan implemented under section 4* to serve the Native Hawaiian health care systems, as identified by Papa Ola Lokahi;

(B) the primary health services covered under the scholarship assistance program under this section shall be the services included under the definition of that term under section 12(8);

[(B)**]** *(C)* to the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by the Kamehameha Schools/Bishop Estate;

[(C) the obligated service requirement for each scholarship recipient shall be fulfilled through service, in order of priority, in (i) any one of the five Native Hawaiian health care systems, or (ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii; and**]**

(D) the obligated service requirement for each scholarship recipient shall be fulfilled through the full-time clinical or nonclinical practice of the health profession of the scholarship recipient, in an order of priority that would provide for practice—

(i) first, in any 1 of the 5 Native Hawaiian health care systems; and

(ii) second, in—

(I) a health professional shortage area or medically underserved area located in the State of Hawaii; or

(II) a geographic area or facility that is—

(aa) located in the State of Hawaii; and

(bb) has a designation that is similar to a designation described in subclause (I) made by the Secretary, acting through the Public Health Service;

[(D)] *(E)* the provision of counseling, retention and other support services shall not be limited to scholarship recipients, but shall also include recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs[.] ,

(F) the obligated service of a scholarship recipient shall not be performed by the recipient through membership in the National Health Service Corps; and

(G) the requirements of sections 331 through 338 of the Public Health Service Act (42 U.S.C. 254d through 254k), section 338C of that Act (42 U.S.C. 254m), other than subsection (b)(5) of that section, and section 338D of that Act (42 U.S.C. 254n) applicable to scholarship assistance provided under section 338A of that Act (42 U.S.C. 254l) shall not apply to the scholarship assistance provided under subsection (a) of this section.

(2) * * *

* * * * * * *

SECTION 711 OF THE INDIAN HEALTH CARE IMPROVEMENT ACT

SEC. 711. (a) * * *

* * * * * * *

(h) There are authorized to be appropriated for each [of the fiscal years] *of fiscal years* 1996 through 2000, such sums as may be necessary to carry out the purposes of this section. Such sums shall remain available until expended.

* * * * * * *

SECTION 4 OF THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996

SEC. 4. DEFINITIONS.

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

(1) * * *

* * * * * * *

(12) INDIAN TRIBE.—

(A) IN GENERAL.—The term "Indian tribe" means a tribe that is a federally recognized tribe or a State recognized tribe.

(B) FEDERALLY RECOGNIZED TRIBE.—The term "federally recognized tribe" means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as

Indians pursuant to the [Indian Self-Determination and Education Assistance Act of 1975] *Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)*.

* * * * * * *

SECTION 326 OF PUBLIC LAW 105–83

SEC. 326. (a) * * *

* * * * * * *

(d) Section 1004 of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3956) is amended—

[(1) in subsection (a) by striking "for use as a health or social services facility" and inserting "for sale or use other than for a facility for the provision of health programs funded by the Indian Health Service (not including any such programs operated by Ketchikan Indian Corporation prior to 1993)"; and]

(2) by striking subsection (c).

APPENDIX

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 30, 1998.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I want to convey my appreciation to you for your assistance in resolving the concerns of the Committee on Ways and Means regarding two tax items included in legislation considered by the Committee on Resources.

The first item involves section 14 of H.R. 4068, a bill making certain technical corrections in laws relating to Native Americans, as introduced. Section 14 of H.R. 4068, as introduced, would have provided an exemption from Federal and State taxes for certain distribution funds. However, an en bloc amendment was adopted by the Committee on Resources in its mark-up on July 29, 1998, replacing the text of section 14, and removing the provision in question from the bill. In light of the Committee on Resource's action to remove the provision from the bill, and your agreement to not add it during further consideration of H.R. 4068, I do not believe that any further action on H.R. 4068 by the Committee on Ways and Means will be necessary. I believe that the issues raised by section 14, as in the introduced bill, require scrutiny by the Committee on Ways and Means, and I look forward to your input in that regard.

The second item involves section 6(c) of H.R. 2538, the "Guadalupe-Hidalgo Treaty Land Claims Act of 1998," as reported. Section 6(c) would provide specific Federal tax treatment to property conveyed to the Guadalupe-Hidalgo Treaty Land Claims Commission to be established by the bill.

This proposed tax treatment would be unnecessary if the commission complies, as expected, with the relevant tax laws. I understand that you will be asking the Committee on Rules to delete this provision upon adoption of the rule for floor consideration of H.R. 2538. In light of this proposed change, I do not believe that any further action on H.R. 2538 by the Committee on Ways and Means will be necessary.

Again, I thank you for taking these actions. In addition, I want to complement you on your staff, which is always so responsive and courteous to me and my staff. With warm personal regards,

Sincerely,

BILL ARCHER, *Chairman.*

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