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### IMPROVE PROGRAMS RELATIVE TO NATIVE AMERICANS

—————  
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Mr. INOUYE, from the Committee on Indian Affairs,  
submitted the following

### R E P O R T

[To accompany S. 2711]

The Committee on Indian Affairs, to which was referred the bill (S. 2711) to reauthorize and improve programs relative to Native Americans, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

#### PURPOSE

The purpose of S. 2711 is to provide a more effective means of addressing a number of narrowly-focused provisions in one bill, obviating the need for the introduction and enactment of separate smaller bills. S. 2711 contains twenty-one provisions, including the extension of several expiring authorizations, amending provisions of statutes relating to particular Indian tribes, and modifying certain Native American programs.

#### BACKGROUND AND NEED

S. 2711 contains separate provisions dealing with a variety of topics including the reauthorization of statutes authorizing Native American programs such as the Bosque Redondo Memorial Act, the Navajo-Hopi Land Settlement Act of 1974, the Indian Health Care Improvement Act, the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, the Indian Child Protection and Family Violence Prevention Act, the Native American Programs Act of 1974, the Native Hawaiian Health Care Improvement Act, and the Four Corners Interpretive Center Act. The bill also pro-

vides for technical amendments to provisions relating to particular Indian tribes and to general laws relating to Native American programs. A more detailed explanation of each amendment is included in the bill's section-by-section analysis.

#### LEGISLATIVE HISTORY

S. 2711 was introduced by Senator Inouye, for himself and for Senator Campbell, on July 9, 2002, and was referred to the Committee on Indian Affairs. On July 18, 2002, the Committee favorably reported S. 2711 to the full Senate, but since that time, the Committee has been called upon to make a number of changes in the bill, as reported.

#### SECTION-BY-SECTION ANALYSIS

Section 1. Short Title; Table of Contents. Section 1 sets forth the Short Title of the Act as the "Indian Programs Reauthorization and Technical Amendments Act of 2002" and provides a Table of Contents.

#### TITLE I—REAUTHORIZATIONS

Section 101. Bosque Redondo Memorial Act. Section 101 extends the authorization period under the Bosque Redondo Memorial Act, 114 Stat. 2365. The authorizing language was drafted in 1999 with the intent that it would become law in 1999 however the Act was not enacted into law until November 2000. Because the authorization of appropriations was not updated to reflect the actual date of enactment of the Act, and the full appropriation was made in 2001, this section changes the authorization of appropriations for \$2 million to 2001, instead of \$1 million in 2000 and \$500,000 in each of fiscal years 2001 and 2002. The authorization for the carryover of funds is extended from 2002 to 2006.

Section 102. Navajo-Hopi Land Settlement Act of 1974. Section 102 extends the authorization period for the programs authorized by the Navajo-Hopi Land Settlement Act of 1974. Because the Act's authorization period expired on September 30, 2000, this section extends the authorization of the Navajo-Hopi Land Settlement Act of 1974, 25 U.S.C. § 640d *et seq.*, through fiscal year 2006.

Section 103. Indian Health Care Improvement Act. Section 103 extends the authorization period for the programs authorized by the Indian Health Care Improvement Act. Because the Act's authorization period expired on September 30, 2001, this section extends the authorization of the Indian Health Care Improvement Act, 25 U.S.C. § 1601 *et seq.*, through fiscal year 2006.

Section 104. Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986. Section 104 extends the authorization period of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986. Because the Act's authorization period expired on September 30, 2001, this section extends the authorization of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, 25 U.S.C. § 2401 *et seq.*, through September 30, 2006.

Section 105. Indian Child Protection and Family Violence Prevention Act. Section 105 extends the authorization period of the Indian Child Protection and Family Violence Prevention Act. Because

the Act's authorization period expired on September 30, 2001, this section extends the authorization of the Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. § 3201 *et seq.*, through September 30, 2006.

Section 106. Native American Programs Act of 1974. Section 106 extends the authorization period of the Native American Programs Act of 1974. Because the Act's authorization period expired on September 30, 2001, this section extends the authorization of the Native American Programs Act of 1974, 42 U.S.C. § 2991 *et seq.*, through September 30, 2006.

Section 107. Native Hawaiian Health Care Improvement Act. Section 107 extends the authorization period of the Native Hawaiian Health Care Improvement Act. Because the Act's authorization period expired on September 30, 2001, this section extends the authorization of the Native Hawaiian Health Care Improvement Act, 42 U.S.C. § 11701 *et seq.*, through September 30, 2006.

Section 108. Four Corners Interpretive Center Act. Section 108 extends the authorization period of the Four Corners Interpretive Center Act. Because one section of the Act's authorization period expired on September 30, 2001, and another section will expire on September 30, 2002, this section extends the authorization of all provisions of the Four Corners Interpretive Center Act, 113 Stat. 1706, for an additional two years from the current expiration dates.

#### TITLE II—PROVISIONS RELATING TO PARTICULAR INDIAN TRIBES

Section 201. Authorization of 99-year Leases for Confederated Tribes of the Umatilla Indian Reservation. Section 201 amends the Act of August 9, 1955, 25 U.S.C. § 415, to authorize the Confederated Tribes of the Umatilla Indian Reservation to lease trust lands, regardless of location, for a period not to exceed 99 years. The general 25-year lease authority affecting most Indian tribes was amended to provide for 99-year leases, and since that time, a number of tribes with the 25-year restriction on the term of leases that is contained in tribally-specific legislation have called upon the Committee to amend their tribally-specific statutes to conform with the change in the general lease authority.

Section 202. Cow Creek Land Selection. Section 202 amends the Cow Creek Band of Umpqua Tribe of Indians Recognition Act, 25 U.S.C. § 712 *et seq.* to clarify that acquired lands shall be treated as on-reservation land for the purpose of processing acquisitions of real property into trust. The Cow Creek Band of Umpqua Indians was restored to Federal recognition in 1982, and the Restoration Act authorized the tribe to acquire lands within an identified area for purposes of restoring the lands to reservation status. The Department of the Interior has been treating the applications for the taking of land into trust by the Cow Creek Band as if the lands were off-reservation lands, in direct conflict with the provisions of the Restoration Act which provide that the lands acquired by the Band are to be treated as part of the Band's reservation. The last sentence of the paragraph of the existing law that is amended by section 202 provides that none of the lands acquired by the Band may be used for purposes of conducting gaming under the authority of the Indian Gaming Regulatory Act. The Band does operate a hotel and casino on lands that were taken into trust under the authority of another section of the Restoration Act.

Section 203. Navajo-Hopi Relocation Impact Study. Section 203 amends the Navajo-Hopi Land Settlement Act of 1974, 25 U.S.C. § 640d *et seq.* to authorize a relocation impact study. The Secretary of the Interior shall, not later than 90 days after the enactment of this provision, enter into a contract to conduct a study to determine whether the purposes of the Act have been achieved and whether recommended activities should be carried out to mitigate the consequences of the implementation of the Navajo-Hopi Land Settlement Act. The study shall include an analysis of five specified factors: (1) the long-term effects of the relocation programs; (2) the ongoing needs of the populations relocated under this Act; (3) the ongoing needs of the other communities affected by relocations under this Act; (4) the effects of termination of the relocation programs; (5) other appropriate factors, as determined by the Secretary. The Secretary shall issue a report not later than one year after the date of enactment of this provision. One million dollars is authorized to carry out this provision.

Section 204. Mississippi Band of Choctaw Indians. Section 204 clarifies and corrects the legal descriptions or recording information for certain lands already placed into trust and reservation status for the Mississippi Band of Choctaw Indians so that those descriptions and recording information conform to the deeds of record and to the book and page numbers at which said deeds were recorded. This is accomplished by referencing the Report of May 17, 2002, which contains the correct legal descriptions and recording information. This section does not authorize any additional lands to be placed into trust.

Section 205. Modification of Pueblo de Cochiti Settlement. Section 205 amends the Pueblo de Cochiti Settlement, section 1 of Public Law 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 206. Chippewa Cree Tribe of the Rocky Boy's Reservation settlement modifications. 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), Public Law 106–163, the courts, including all appeals, must 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 206 extends the period in which the courts have to ratify the water rights compact from three years to five years.

Section 207. Disposal of Oil Shale Reserve Numbered 2. Section 3405(c) of Public Law 105–261 conveyed certain land from the Department of Energy to the Ute Tribe of the Uintah and Ouray Reservation in Utah. Although such land was expressly exempted from trust status or Federal management authority, there was no express exemption from the Non-Intercourse Act restrictions on leasing or conveyancing of the lands under 25 U.S.C. § 177. The Tenth Circuit Court of Appeals has repeatedly held that non-trust lands held in fee by a tribe are subject to the restrictions on alienation imposed by the Non-Intercourse Act and the Bureau of Indian Af-

fairs Superintendent has refused to approve documents required to develop the land because the lands are exempted from trust management. Section 207 exempts such land from Federal restrictions on alienation. It also exempts any grant, lease, exploration or development agreement, or other conveyance of such land from being subject to approval by the Secretary of the Interior.

Section 208. Land of Pechanga Band of Luiseno Mission Indians. The Pechanga Band of Luiseno Mission Indians has a pending fee-to-trust application for certain land. On March 21, 2002, the Secretary of the Interior issued a Notice of Decision to accept such land into trust for the Band. A local private utility seeks to have the land condemned so that a transmission line could be constructed on lands on which sites sacred to the Band are located. Section 208 prohibits the transfer or other conveyance of the land for condemnation until the Secretary of the Interior renders a final decision on the pending fee-to-trust application and final decisions have been rendered on all appeals relating to that decision.

Section 209. Quinault Indian Nation Water Feasibility Study. Section 209 authorizes the Secretary of the Interior to conduct a water source, quantity, and quality feasibility study for the Quinault Indian Nation. The Secretary shall publish a notice of the availability of the results of the study and, upon request, make the results of the study available to the public.

Section 210. Waiver of Repayment of Expert Assistance Loans to the Pueblo of Santo Domingo. Section 210 cancels any balances due on loans made to the Pueblo of Santo Domingo for expert witness fees and expenses. As a result of a judgment award from the Federal Claims Court, the Congress was to have appropriated \$15 million, in \$5 million increments, for the use of the Pueblo. In reliance on the judgment and Congress' commitment to appropriate the funds, the Pueblo entered into contracts and other legal commitments, however the Congress failed to fully appropriate even the first increment. In the past, the Congress has enacted similar provisions canceling balances due and owing on loans made to other tribes for expert witness fees and expenses for other tribes, given similar circumstances.

Section 211. Trinity River Record of Decision. Section 211 affirms that the record of decision by the United States Fish and Wildlife Service entitled "Trinity River Mainstream Fishery Restoration" issued by the Secretary of the Interior on December 19, 2000 complies with all provisions of law and shall be implemented as soon as practicable. The record of decision may only be modified with the concurrence of the Hoopa Valley Tribe and the Yurok Tribe.

#### TITLE III—NATIVE AMERICAN PROGRAMS

Section 301. Trademarks for Indian Arts and Crafts. Section 301 clarifies the authority of the Indian Arts and Crafts Board pursuant to the Indian Arts and Crafts Act (25 U.S.C. § 305 *et seq.*) to develop and implement a trademark registration program, the nature of the ownership of the trademarks involved, and the types of Indian arts and crafts products to be protected.

Section 302. Tribally-Controlled Postsecondary Vocational and Technical Institutions. Section 311 of the Carl D. Perkins Vocational and Technical Education Act of 1998, 20 U.S.C. § 2301 *et seq.*, prohibits the offset of funds appropriated under the Perkins

Act by reductions in other vocational education monies. Regulations enacted pursuant to the Act provide that any grantee whose program is subject to a “supplemental not supplant” provision must use a restricted indirect cost rate. Tribal colleges receive funds pursuant to section 311 and therefore are within the scope of the regulations even though the regulations are intended for grantees who receive State vocational funds. Tribal colleges do not receive State vocational funds nor do they have a tax base from which to raise such funds. Section 302 exempts tribal colleges from Section 311.

Section 303. Self-Determination Act Provisions. Subsection (a) of Section 303 mandates that the Equal Access to Justice Act, 5 U.S.C. § 504 note, shall apply to an administrative appeal filed by a tribe or tribal organization that is pending on or filed after October 5, 1988 and that regards disputes involving contracts, grant agreements, compacts, or any other agreements authorized by the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450 *et seq.*, or the Tribally Controlled Schools Act of 1988, 25 U.S.C. § 2501 *et seq.* Further subsection (a) clarifies that fees or other expenses claimed for services rendered on an administrative appeal on or after March 29, 1996 and claims for fees or other expenses asserted after March 29, 1996, but resulting from services provided prior to March 29, 1996, shall be \$125 per hour, unless a higher fee is justified.

Subsection (b) of Section 303 authorizes a tribe negotiating for or operating a self-governance compact, funding agreement, or other agreement to incorporate Title V provisions into Title IV self-governance agreements upon the tribe’s request.

Section 304, Indian Land Consolidation. Section 304 amends the Indian Land Consolidation Act, 25 U.S.C. § 2201 *et seq.*, to clarify that any portion of the fee interest in a parcel of land may be requested to be taken into trust and to authorize probate judges to immediately approve agreements between heirs or devisees, including agreements that are not part of the decedent’s estates.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

The Committee on Indian Affairs in an open business session on July 18, 2002 ordered S. 2711 to be reported favorably to the Senate with a recommendation that the bill do pass.

#### COST AND BUDGETARY CONSIDERATIONS

At the time of filing this report, the cost estimate of the Congressional Budget Office on S. 2711 has not yet been received. Compliance with Senate rule XXVI, paragraph 11(a) is therefore impracticable at this time.

#### EXECUTIVE COMMUNICATIONS

The Committee has received no official communication from the Administration on the provisions of S. 2711.

#### REGULATORY AND PAPERWORK IMPACT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying

out the bill. The Committee finds that S. 2711 will not require the promulgation of regulations so the regulatory and paperwork impact should be minimal, if any.

#### CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by a bill are required to be set forth in the accompanying Committee report. The Committee finds that enactment of S. 2711 will result in the following changes in existing law. The matter to be deleted is indicated in bold brackets. The matter to be inserted is indicated 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 is authorized to be appropriated to carry out this title \$2,000,000 for fiscal year 2001.*

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

(b) *CARRYOVER.*—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated, shall remain available for use by the Secretary through September 30, **[2002]** *2006* for the purposes for which those funds were available.

#### **NAVAJO-HOPI LAND SETTLEMENT ACT OF 1974**

25 U.S.C. § 640d

Section 25(a)(8) of Public Law 93–531 is amended as follows: (8) For the purposes of carrying out the provisions of section 640d–14 of this title, there is authorized to be appropriated not to exceed \$30,000,000 **[annually for fiscal years 1995, 1996, 1997, 1998, 1999, and 2000]** *for each of fiscal years 2002 through 2006.*

#### **INDIAN HEALTH CARE IMPROVEMENT ACT**

25 U.S.C. § 1601 *et seq.*

Title I of the Indian Health Care Improvement Act is amended as follows: **[SEC. 123. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this subchapter.]** *SEC. 123. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 209(m) of the Indian Health Care Improvement Act is amended as follows: **[(6) There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.]**

Section 209 of the Indian Health Care Improvement Act is amended as follows: (n) *AUTHORIZATION OF APPROPRIATIONS.*—

*There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 211 of the Indian Health Care Improvement Act is amended as follows: **[(g) AUTHORIZATION OF APPROPRIATIONS.—** There are authorized to be appropriated for each of the fiscal years 1996 through 2000 such sums as may be necessary to carry out the purposes of this section. **.] (g) AUTHORIZATION OF APPROPRIATIONS.—** *There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 213 of the Indian Health Care Improvement Act is amended as follows: **[(b) There are authorized to be appropriated to carry out this section \$15,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.] (b) AUTHORIZATION OF APPROPRIATIONS.—** *There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 214(b) of the Indian Health Care Improvement Act is amended as follows: **[(6) There are authorized to be appropriated to carry out the purposes of this subsection not more than \$12,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.] (6) AUTHORIZATION OF APPROPRIATIONS.—** *There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 215 of the Indian Health Care Improvement Act is amended as follows: **[(g) Authorization of appropriations. There are authorized to be appropriated to carry out this section \$15,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.]**

**(g) AUTHORIZATION OF APPROPRIATIONS.—** *There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 216 of the Indian Health Care Improvement Act is amended as follows: **[(e) Authorization of appropriations. There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.]**

**(e) AUTHORIZATION OF APPROPRIATIONS.—** *There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.*

Title II of the Indian Health Care Improvement Act is amended as follows: **[Sec. 224. Except as provided in sections 209(m), 211, 213, 214(b)(5), 215, and 216 of this title, there are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this subchapter.]**

**SEC. 224. AUTHORIZATION OF APPROPRIATIONS.—** *There are authorized to be appropriated to carry out this title (other than sections 209(m), 211(g), 213(b), 214(b)(6), 215(g), and 216(e) such sums as are necessary for each of fiscal years 2002 through 2006.*

Title III of the Indian Health Care Improvement Act is amended as follows: **[SEC. 309. There are authorized to be appropriated such**



sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this subchapter.】

*SEC. 309. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title such sums as are necessary for each of fiscal years 2002 through 2006.*

Title IV of the Indian Health Care Improvement Act is amended as follows: 【SEC. 407. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this subchapter.】 *SEC. 407. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title such sums as are necessary for each of fiscal years 2002 through 2006.*

Title V of the Indian Health Care Improvement Act is amended as follows: 【SEC. 514. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this subchapter.】 *SEC. 514. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title such sums as are necessary for each of fiscal years 2002 through 2006.*

Title VI of the Indian Health Care Improvement Act is amended as follows: 【SEC. 603. There are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this subchapter.】 *SEC. 603. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 703 of the Indian Health Care Improvement Act is amended as follows: 【(d)(1) There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000. (2) Twenty percent of the funds appropriated pursuant to this subsection shall be used to make grants to urban Indian organizations funded under subchapter IV of this chapter.】 *(d) AUTHORIZATION OF APPROPRIATIONS.—(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.*

*(2) GRANTS.—Of the funds made available under paragraph (1) for a fiscal year, 20 percent shall be used to provide grants to urban Indian organizations funded under title V.*

Section 706 of the Indian Health Care Improvement Act is amended as follows: 【(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 1996 through 2000, such sums as may be necessary to carry out subsection (b) of this section.】 *(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 708 of the Indian Health Care Improvement Act is amended as follows: 【(f)(1) There are authorized to be appropriated to carry out this section \$22,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000. (2) Ten percent of the funds appropriated pursuant to this section shall be used to make grants to urban Indian organizations funded under subchapter IV of this

chapter.] (f) *AUTHORIZATION OF APPROPRIATIONS.—(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006. (2) GRANTS.—Of the funds made available under paragraph (1) for a fiscal year, 10 percent shall be used to provide grants to urban Indian organizations funded under title V.*

Section 710 of the Indian Health Care Improvement Act is amended as follows: [(b) For the purposes of carrying out subsection (a) of this section, there are authorized to be appropriated \$2,000,000 for fiscal years 1993 and 1994. No funding] (b) *AUTHORIZATION OF APPROPRIATIONS.—(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006. (2) STAFFING AND OPERATION.—No funding shall be available for staffing or operation of this facility. [None of the funding] (3) ADMINISTRATIVE PURPOSES.—None of the funding appropriated to carry out subsection (a) of this section shall be used for administrative purposes.*

Section 711 of the Indian Health Care Improvement Act is amended as follows: [(h) There are authorized to be appropriated for each 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.] (h) *AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006, to remain available until expended.*

Title VII of the Indian Health Care Improvement Act is amended as follows: [SEC. 714. Except as provided in sections 703, 706, 708, 710, and 711 of this title, there are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out the provisions of this subchapter.] *SEC. 714. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title (other than sections 703(d), 706(d), 708(f), 710(b), and 711(h) such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 821 of the Indian Health Care Improvement Act is amended as follows: [(i) There are authorized to be appropriated for each of the fiscal years 1996 through 2000 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.] (i) *AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006, to remain available until expended.*

Title VIII of the Indian Health Care Improvement Act is amended as follows: [SEC. 825. Except as provided in section 821 of this title, there are authorized to be appropriated such sums as may be necessary for each fiscal year through fiscal year 2000 to carry out this subchapter.] *SEC. 825. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title (other than section 821) such sums as are necessary for each of fiscal years 2002 through 2006.*

**INDIAN ALCOHOL AND SUBSTANCE ABUSE  
PREVENTION AND TREATMENT ACT OF 1996**

25 U.S.C. § 2401 *et seq.*

Section 4206(d) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 is amended as follows: **[(1) The Secretary]** *IN GENERAL.—The Secretary* of the Interior may make grants to Indian tribes adopting a resolution pursuant to subsection (a) of this section to provide technical assistance in the development of a Tribal Action Plan. The Secretary shall allocate funds based on need. **[(2) There are authorized to be appropriated for grants under this subsection not more than \$2,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.]** **(2) AUTHORIZATION OF APPROPRIATIONS.—***There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 4206(f) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 is amended as follows: **[(f)(1) The Secretary]** *(f) GRANTS FOR IN-SCHOOL TRAINING PROGRAMS.—***(1) IN GENERAL.—***The Secretary* of the Interior may make grants to Indian tribes adopting a resolution pursuant to subsection (a) of this section to implement and develop community and in-school training, education, and prevention programs on alcohol and substance abuse, fetal alcohol syndrome and fetal alcohol effect. **[(2) Funds]** **(2) USE OF FUNDS.—***Funds* provided under this section may be used for, but are limited to, the development and implementation of tribal programs for—(A) youth employment; (B) youth recreation; (C) youth cultural activities; (D) community awareness programs; and (E) community training and education programs. **[(3) There are authorized to be appropriated to carry out the provisions of this subsection \$5,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.]** **(3) AUTHORIZATION OF APPROPRIATIONS.—***There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 4210 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 is amended as follows: **[(b) Authorization of appropriations—**There are authorized to carry out this section \$500,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.] **(b) AUTHORIZATION OF APPROPRIATIONS.—***There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 4212(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 is amended as follows: **[(The Assistant Secretary of Indian Affairs)]** **(1) IN GENERAL.—***The Assistant Secretary of Indian Affairs* shall develop and implement pilot programs in selected schools funded by the Bureau of Indian Affairs (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in furthering the purposes and goals of this chapter. **[(The Assistant Secretary shall)]** **(2) DEFRAYMENT OF COSTS.—***The Assistant Secretary shall* defray all costs associated with the actual operation

and support of the pilot programs in the school from funds appropriated for this section. **【**For the pilot programs there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.**】** (3) *AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 is amended as follows: **【**(1) For the planning and design, construction, and renovation of, or purchase or lease of land or facilities for, emergency shelters and half-way houses to provide emergency care for Indian youth, there are authorized to be appropriated \$10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000. (2) For the staffing and operation of emergency shelters and half-way houses, there are authorized to be appropriated \$5,000,000 for fiscal 1993 and \$7,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000. (3) The Secretary of the Interior shall allocate funds appropriated pursuant to this subsection on the basis of priority of need of the various Indian tribes and such funds, when allocated, shall be subject to contracting or available for grants pursuant to the Indian Self-Determination Act [25 U.S.C.A. § 450f et seq.].**】** (1) *IN GENERAL.—There are authorized to be appropriated to carry out planning and design, construction, and renovation of, or to purchase or lease land or facilities for, emergency shelters and half-way houses to provided emergency care for Indian youth, such sums as are necessary for each of fiscal years 2002 through 2006.* (2) *STAFFING AND OPERATION.—There is authorized to be appropriated for staffing and operation of emergency shelters and half-way houses described in paragraph (1) \$7,000,000 for each of fiscal years 2002 through 2006.* (3) *ALLOCATION.—(A) IN GENERAL.—The Secretary of the Interior shall allocate funds made available under this subsection to Indian tribes on the basis of priority of need of the Indian tribes. (B) CONTRACTING AND GRANTS.—Funds allocated under subparagraph (A) shall be subject to contracting or available for grants under the Indian Self-Determination Act (25 U.S.C. § 450f et seq.).* **【**(4) *Funds***】** (4) *CONDITIONS FOR USE.—Funds appropriated under the authority of this subsection may be used by any Indian tribe or tribal organization to purchase or lease any land or facilities if—(A) the Secretary of the Interior determines that no Federal land or facilities are reasonably available for emergency shelters or half-way houses described in subsection (a) of this section to serve the needs of that Indian tribe or tribal organization, and (B) the Indian tribe or tribal organization enters into an agreement with the Secretary of the Interior that requires the Indian tribe or tribal organization to use the land or facilities for emergency shelters or half-way houses described in subsection (a) of this section.* **【**(5) *Nothing in this chapter may be construed—***】** (5) *EF-FECT ON OTHER AUTHORITY.—Nothing in this Act (A) [to limit] limits the authority for contracts with, or grants to, Indian tribes or tribal organizations under the Indian Self-Determination Act for the construction, improvement, renovation, operation, repair, land acquisition, or maintenance of tribal juvenile detention facilities, emergency shelters, or half-way [houses, or] houses; or (B) [to re-*

quire] *requires* a lease of tribal facilities to the United States to qualify for financial assistance for the facilities under this or any other Act.

Section 4216(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 is amended as follows: [(3) For the purpose of providing the assistance required by this subsection, there are authorized to be appropriated—(A) \$500,000 under paragraph (1)(A) for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000, (B) \$500,000 under paragraph (1)(B) for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1997, 1998, 1999, and 2000, and (C) \$500,000 under paragraph (1)(C) for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.] (3) *AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 4216(b) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 is amended as follows: [(2) For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated \$2,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.] (2) *AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 is amended as follows: [(b) *AUTHORIZATION.—For the purposes of providing the training required by subsection (a) of this section, there are authorized to be appropriated \$2,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999 and 2000.*] (b) *AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.*

Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 is amended as follows: [(b) *AUTHORIZATION.—(1) For the purpose of constructing or renovating juvenile detention centers as provided in subsection (a) of this section, there are authorized to be appropriated \$10,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000. (2) For the purpose of staffing and operating juvenile detention centers, there are authorized to be appropriated \$7,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.*] (b) *AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section sums as are necessary for each of fiscal years 2002 through 2006.*

**INDIAN CHILD PROTECTION AND FAMILY VIOLENCE  
PREVENTION ACT**

25 U.S.C. § 3201 *et seq.*

Section 409 of the Indian Child Protection and Family Violence Prevention Act is amended as follows: **[(e) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to carry out the provisions of this section \$10,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.]** *(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2002 through 2006.*

Section 410 of the Indian Child Protection and Family Violence Prevention Act is amended as follows: **[(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section \$3,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.]** *(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2002 through 2006.*

Section 411 of the Indian Child Protection and Family Violence Prevention Act is amended as follows: **[(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section \$30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.]** *(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2002 through 2006.*

**NATIVE AMERICAN PROGRAMS ACT OF 1974**

42 U.S.C. § 2991 *et seq.*

Section 816 of the Native American Programs Act of 1974 is amended as follows: **[(a) There are authorized to be appropriated for the purpose of carrying out the provisions of this subchapter (other than sections 803(d), 803A, 803C of this title, subsection (e) of this section, and any other provision of this subchapter for which there is an express authorization of appropriations), such sums as may be necessary for each of fiscal years 1999, 2000, 2001, and 2002. (b) Not less than 90 per centum of the funds made available to carry out the provisions of this subchapter (other than sections 803(d), 803A, 803C, 804 of this title, subsection (e) of this section, and any other provision of this subchapter for which there is an express authorization of appropriations) for a fiscal year shall be expended to carry out section 803(a) of this title for such fiscal year. (c) There is authorized to be appropriated \$8,000,000 for each of fiscal years 1999, 2000, 2001, and 2002, for the purpose of carrying out the provisions of section 803(d) of this title.]** *(a) IN GENERAL.—There are authorized to be appropriated—(1) to carry out section 803(d), \$8,000,000 for each of fiscal years 2002 through 2006; and (2) to carry out provisions of this title other than section 803(d) and any other provision having an express authorization of appropriations, such sums as are necessary for each of fiscal years 2002 through 2006. (b) LIMITATION.—Not less than 90 percent of the*

*funds made available to carry out this title for a fiscal year (other than funds made available to carry out section 803(d), 803A, 803C, 804, and any other provision of this title having an express authorization of appropriations) shall be expended to carry out section 803(a).* **[(d)](c)(1)** For fiscal year 1994, there are authorized to be appropriated such sums as may be necessary for the purpose of— (A) establishing demonstration projects to conduct research related to Native American studies and Indian policy development; and (B) continuing the development of a detailed plan, based in part on the results of the projects, for the establishment of a National Center for Native American Studies and Indian Policy Development. (2) such a plan shall be delivered to the Congress not later than 30 days after September 30, 1992. **[(e)** There are authorized to be appropriated to carry out section 803C of this title such sums as may be necessary for each of fiscal years 1999, 2000, 2001, and 2002.]

Section 803A(f) of the Native American Programs Act of 1974 is amended as follows: **[(f) AUTHORIZATION OF APPROPRIATIONS; INVESTMENT IN OBLIGATIONS OF UNITED STATES.—**There is authorized to be appropriated for each of the fiscal years 2000 and 2001, \$1,000,000 for the purpose of carrying out the provisions of this section. Any amount appropriated under this paragraph shall remain available for expenditure without fiscal year limitation.] *(f) AUTHORIZATION OF APPROPRIATIONS.—(1) IN GENERAL.—*There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2002 through 2006, to remain available until expended. **[(2) THE REVOLVING LOAN FUND] (2) REVOLVING LOAN FUND.—**The revolving loan fund' that is required to be established under subsection (a)(1) of this section shall be maintained as a separate account. Any portion of the revolving loan fund that is not required for expenditure shall be invested in obligations of the United States or in obligations guaranteed or insured by the United States.

## **NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT**

42 U.S.C. § 11701 *et seq.*

Section 6 of the Native Hawaiian Health Care Improvement Act is amended as follows: **[(h) AUTHORIZATION OF APPROPRIATIONS.—**(1) There are authorized to be appropriated such sums as may be necessary for fiscal years 1993 through 2001 to carry out subsection (a)(1) of this section. (2) There are authorized to be appropriated such sums as may be necessary to carry out subsection (a)(2) of this section.] *(h) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2002 through 2006.

Section 10 of the Native Hawaiian Health Care Improvement Act is amended as follows: **[(c) AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated such sums as may be necessary for fiscal year 1993 through 2001 for the purpose of funding the scholarship assistance provided under subsection (a) of this section.] *(c) AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated such sums as are necessary to carry out his section for each of fiscal years 2002 through 2006.

**FOUR CORNERS INTERPRETIVE CENTER ACT**

113 Stat. 1703

Section 7 of the Four Corners Interpretive Center Act is amended as follows: (a) **AUTHORIZATIONS.**—There are authorized to be appropriated to the Department of the Interior to carry out this Act— (1) \$2,000,000 for fiscal year 2000; and (2) \$50,000 for each of fiscal years 2001 through **[2005]** 2007 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 subsection (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 **[2002]** 2004 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, **[2001]** 2003.

**ACT OF AUGUST 9, 1955**

25 U.S.C. § 415

Subsection (a) of the first section of the Act of August 9, 1955 is amended in the second sentence as follows: 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 Coeur d’Alene Indian 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 Reservation, 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 Indian 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,]** *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 Con-



federated Tribes of the Warm Springs Reservation of Oregon, lands held in trust for the Cherokee Nation of Oklahoma, land 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 Grande Ronde Community of Oregon, and the land 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 of not to exceed ten years.

### **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.*)).

### **NAVAJO-HOPI RELOCATION IMPACT STUDY**

25 U.S.C. § 640d *et seq.*

Section 32 of Public Law 93-531 is amended as follows: [SEC. 32] *SEC. 33.* Nothing in this Act prohibits the Commissioner from providing relocation assistance to families certified as eligible, regardless of their current place of residence, with funds appropriated to implement Public Law 93-531.

Public Law 93-531 is amended as follows: *SEC. 34. NAVAJO-HOPI RELOCATION IMPACT STUDY.* (a) *IN GENERAL.*—Not later than 90 days after the date of enactment of this section, the Secretary shall enter into a contract with an independent contractor under which the independent contractor shall complete, not later than 1 year after the date of enactment of this section, a study to determine whether—(1) the purposes of this Act have been achieved; and (2) recommended activities should be carried out to mitigate the consequences of the implementation of this Act. (b) *SCOPE.*—The study conducted under subsection (a) shall include an analysis of—(1) the long-term effects of the relocation programs under this Act; (2) the ongoing needs of the populations relocated under this Act; (3) the ongoing needs of the other communities affected by relocations under this Act, including communities affected by section 10(f); (4) the effects of termination of the relocation programs under this Act, including the effects of—(A) closure of the Office of Navajo and Hopi Indian Relocation; and (B) transfer of responsibilities of that Office to other Federal agencies and the Navajo Nation in accordance with applicable provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 *et seq.*); and (5) other appro-

prate factors, as determined by the Secretary. (c) *REPORT*.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to Congress, the Hopi Tribe, and the Navajo Nation a report that describes the results of the study conducted under subsection (a). (d) *FUNDING*.—Of amounts made available to the Office of Navajo and Hopi Indian Relocation, not more than \$1,000,000 shall be made available to the Secretary to carry out this section.

### MISSISSIPPI BAND OF CHOCTAW INDIANS

Public Law 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 [report entitled “Report of Fee Lands owned by the Mississippi Ban 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] *report entitled “Report of May 17, 2002, Clarifying and Correcting 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. 106–568”, 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*

### MODIFICATION OF PUEBLO DE COCHITI SETTLEMENT

Public Law 102–358

Section 1 of Public Law 102–358 is amended as follows: The Secretary of the Interior and the Secretary of the Army are authorized and directed to [implement the settlement] *implement—(1) the settlement; agreement negotiated under the authority of Public Law 100–202 by the Pueblo de 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, Wet Field Solution”, dated July 24, 1990, addressing seepage problems at the Chociti Dam on tribal lands[.]; and (2) the modifications regarding the use of the settlement funds as described in the agreement known as the “First Amendment to Operation and Maintenance Agreement for Implementation of Cochiti Wetlands Solution”, executed—(A) on October 22, 2001, by the Army Corps of Engineers; (B) on October 25, 2001, by the Pueblo de Cochiti of New Mexico; and (C) on November 8, 2001, by the Secretary of the Interior.*

**CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S  
RESERVATION SETTLEMENT MODIFICATION**

Public Law 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 (Public Law 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 **[3 years]** *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 subsections (a) and (c)(3) of section 5 and section 105(e)(1), this Act shall be of no further force and effect.

**DISPOSAL OF OIL SHALE RESERVE NUMBERED 2**

Public Law 105–261

Section 3405(c) of the Public Law 105–261 is amended as follows: **[(3) The land conveyed to the Tribe under subsection (b) shall not revert to the United States for management in trust status.]** (3) *With respect to the land conveyed to the Tribe under subsection (b)—(A) the land shall not be subject to any Federal restriction on alienation; and (B) no grant, lease, exploration or development agreement, or other conveyance of the land (or any interest in the land) that is authorized by the governing body of the Tribe shall be subject to approval by the Secretary of the Interior or any other Federal official.*

**INDIAN ARTS AND CRAFTS ACT**

25 U.S.C. § 305 *et seq.*

Section 2(g) of the Act of August 27, 1935 is amended as follows: (g)(1) to create for the Board, or for an individual Indian or Indian tribe or Indian arts and crafts organization, trademarks of genuineness and quality for Indian products and *trademarks for* the products of an individual Indian or particular Indian tribe or Indian arts and crafts organization; (2) to establish standards and regulations for the use of Government-owned trademarks by corporations, associations, or individuals, and to charge for such use under such licenses; (3) to register any such trademark owned by the Government in the United States Patent and Trademark Office without charge **[and assign it and the goodwill associated with it to an individual Indian or Indian tribe without charge; and]**; (4) **[to pursue or defend in the courts any appeal or proceeding with respect to any final determination of that office]** *to file with the United States Patent and Trademark Office, and prosecute, an application for any trademark or other mark described in paragraph (1) that is owned by an individual Indian, Indian tribe, or Indian arts and crafts organization, for registration without charge in the United States Patent and Trademark Office;* (5)(A) *to assign any trademark described in paragraph (2) that is owned by the federal Government, and the*

goodwill associated with the trademark, to an individual Indian, Indian tribe, or Indian arts and crafts organization; and (B) to record any such assignment in the United States Patent and Trademark Office, without charge; and (6) to pursue or defend in the appropriate courts of the United States any appeal or proceeding with respect to any final determination of the United States Patent and Trademark Office;

**CARL D. PERKINS VOCATIONAL AND TECHNICAL  
EDUCATION ACT OF 1998**

20 U.S.C. § 2301 *et seq.*

Section 311(a) of the Carl D. Perkins Vocational and Technical Education Act of 1998 is amended as follows: **[Funds made available]** (1) *IN GENERAL.*—*Except as provided in paragraph (2), funds made available under this chapter for vocational and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out vocational and technical education activities and tech-prep activities.* (2) *EXEMPTION FOR TRIBALLY CONTROLLED POST SECONDARY VOCATIONAL AND TECHNICAL INSTITUTIONS.*—*Paragraph (1) shall not apply to funds made available under section 117.*

**INDIAN SELF-DETERMINATION AND EDUCATION  
ASSISTANCE ACT**

25 U.S.C. § 450 *et seq.*

Section 1210 of the Indian Self-Determination and Education Assistance Act is amended as follows: **[(c) APPLICATION OF LAWS TO ADMINISTRATIVE APPEALS.**—The Equal Access to Justice Act (Public Law 96–481, Act of October 1, 1980; 92 Stat. 2325, as amended, section 504 of Title 5, and section 2412 of Title 28, shall apply to administrative appeals pending on or filed after October 5, 1988, by tribal organizations regarding self-determination contracts.) (c) *APPLICATION OF LAWS TO ADMINISTRATIVE APPEALS.*—(1) *IN GENERAL.*—*The Equal Access to Justice Act (5 U.S.C. 504 note; Public Law 96–481), section 504 of title 5, United States Code, and section 2412 of title 28, United States Code, shall apply to an administrative appeal by a tribal organization that—(A) is pending on or filed after October 5, 1998; and (B) relates to a contract, a grant agreement, or any other agreement or compact authorized under—(i) this Act; or (ii) the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 *et seq.*).* (2) *FEE.*—(A) *IN GENERAL.*—*In the case of any claim for a fee described in subparagraph (B), the fee shall be \$125 per hour, unless an appropriate Federal agency determines by regulation that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys or agents for the proceedings involved, justifies a higher fee.* (B) *DESCRIPTION OF CLAIM.*—*A claim described in this subparagraph is—(i) a claim by a person for a fee for services relating to an appeal described in paragraph (1) that are performed on or after March 29, 1996; or (ii) a claim by a person for a fee for services that—(I) is asserted on or after March 29, 1996; but (II) is for a fee for services relating to an appeal described in paragraph (1) performed before that date.*

Section 403 of the Indian Self-Determination and Education Assistance Act is amended as follows: **[(1) Incorporate self-determination provisions At the option of a participating tribe or tribes, any or all provisions of Part A of this subchapter shall be made part of an agreement entered into under title III of this Act or this part. The Secretary is obligated to include such provisions at the option of the participating tribe or tribes. If such provision is incorporated it shall have the same force and effect as if set out in full in title III or this part.]** *(1) INCORPORATION OF SELF-DETERMINATION PROVISIONS.—(l) IN GENERAL.—At the option of any participating Indian tribe, any or all of the provisions of title I or V shall be incorporated in a compact or funding agreement entered into under this title. (2) FORCE AND EFFECT.—A provision incorporated under paragraph (1) shall—(A) have the same force and effect as if included in this title; and (B) be deemed to—(i) supplement or supplant any related provision in this title as appropriate; and (ii) apply to any agency subject to this title. (3) TIMING.—In any case in which an Indian tribe requests incorporation of a provision under paragraph (1) during the negotiation stage of a compact or funding agreement described in that paragraph, the incorporation shall—(A) be considered to be effective immediately; and (B) control the negotiation and any resulting compact or funding agreement.*

## INDIAN LAND CONSOLIDATION ACT

25 U.S.C. 2216

Section 206(c)(2)(B) of the Indian Land Consolidation Act (25 U.S.C. 2205(c)(2)(B)) is amended as follows: A non-Indian devisee described in subparagraph (A) or a non-Indian devisee described in section **[(207(a)(6)(B))] 207(a)(6)** of this title, may retain a life estate in the interest involved, including a life estate to the revenue produced from the interest. The amount of any payment required under paragraph (1) shall be reduced to reflect the value of any life estate reserved by a non-Indian devisee under this subparagraph.

Section 207(g) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)) is amended as follows: **[(5) Effective date. The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary takes the certification required under paragraph (4).]** *(5) EFFECTIVE DATE.—(A) IN GENERAL.—Except as provided in subparagraph (B), this section shall not apply to the estate of an individual who dies before the date that is 1 year after the date on which the Secretary makes the certification required under paragraph (4). (B) APPROVAL.—Subsection (e) takes effect on November 7, 2000.*

Section 217(c) of the Indian Land Consolidation Act (25 U.S.C. 2216(c)) is amended as follows: **[(c) ACQUISITION OF INTEREST BY SECRETARY.—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on November 7, 2000 and located within a reservation, may request that the interest be taken into trust by the Secretary.]** *(c) ACQUISITION OF INTEREST BY SECRETARY.—(1) Request.—(A) In general.—An Indian, or the recognized tribal government of a reservation, that is in possession of any portion of the fee interest in a parcel of land described in subparagraph (B) may request that the interest be*

*taken into trust by the Secretary. (B) LAND.—A parcel of land described in this subparagraph is any parcel of land—(i) that is located within a reservation; and (ii) at least a portion of the ownership interest in which is held by the Secretary, in trust or restricted status, on November 7, 2000. [Upon] (2) INTEREST.—Upon such a request, the Secretary shall forthwith take such interest into trust.*

