To reauthorize and improve programs relating to Native Americans.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2002

Mr. INOUYE (for himself and Mr. CAMPBELL) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To reauthorize and improve programs relating to Native Americans.

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

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Indian Programs Reauthorization and Technical Amend-
6 ments Act of 2002”.

7 (b) TABLE OF CONTENTS.—The table of contents of

8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REAUTHORIZATIONS

Sec. 103. Indian Health Care Improvement Act.
Sec. 107. Native Hawaiian Health Care Improvement Act.
Sec. 108. Four Corners Interpretive Center Act.

TITLE II—PROVISIONS RELATING TO PARTICULAR INDIAN TRIBES

Sec. 201. Authorization of 99-year leases for Confederated Tribes of the Umatilla Indian Reservation.
Sec. 204. Ponca Tribe of Nebraska.
Sec. 205. Mississippi Band of Choctaw Indians.
Sec. 206. Modification of Pueblo de Cochiti Settlement.
Sec. 207. Chippewa Cree Tribe of the Rocky Boy’s Reservation settlement modification.
Sec. 208. Disposal of Oil Shale Reserve Numbered 2.
Sec. 211. Waiver of repayment of expert assistance loans to the Pueblo of Santo Domingo.
Sec. 212. Trinity River record of decision.

TITLE III—NATIVE AMERICAN PROGRAMS

Sec. 301. Trademarks for Indian arts and crafts.
Sec. 302. Tribally controlled postsecondary vocational and technical institutions.
Sec. 303. Self-determination provisions.
Sec. 304. Indian land consolidation.

1 TITLE I—REAUTHORIZATIONS

2 SEC. 101. BOSQUE REDONDO MEMORIAL ACT.

Section 206 of the Bosque Redondo Memorial Act (16 U.S.C. 431 note; Public Law 106–511) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “2000” and inserting “2004”; and

(B) in paragraph (2), by striking “2001 and 2002” and inserting “2005 and 2006”; and
(2) in subsection (b), by striking “2002” and inserting “2006,.”.


SEC. 103. INDIAN HEALTH CARE IMPROVEMENT ACT.

(a) INDIAN HEALTH PROFESSIONAL PERSONNEL.—

Title I of the Indian Health Care Improvement Act is amended by striking section 123 (25 U.S.C. 1616p) and inserting the following:

“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.”.

(b) HEALTH SERVICES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) INTERMEDIATE ADOLESCENT MENTAL HEALTH SERVICES.—Section 209(m) of the Indian Health Care Improvement Act (25 U.S.C. 1621h(m)) is amended by striking paragraph (6) and inserting the following:

...
“(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.”.

(B) California Contract Health Services Demonstration Program.—Section 211 of the Indian Health Care Improvement Act (25 U.S.C. 1621j) is amended by striking subsection (g) and inserting the following:

“(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.”.

(C) Patient Travel Costs.—Section 213 of the Indian Health Care Improvement Act (25 U.S.C. 1621l) is amended by striking subsection (b) and inserting the following:

“(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.”.

(D) Epidemiology Centers.—Section 214(b) of the Indian Health Care Improvement Act (25 U.S.C. 1621m(b)) is amended by striking paragraph (6) and inserting the following:
“(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.”.

(E) Comprehensive School Health Education Programs.—Section 215 of the Indian Health Care Improvement Act (25 U.S.C. 1621n) is amended by striking subsection (g) and inserting the following:

“(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.”.

(F) Indian Youth Grant Program.—
Section 216 of the Indian Health Care Improvement Act (25 U.S.C. 1621o) is amended by striking subsection (e) and inserting the following:

“(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.”.

(2) Additional Authorization of Appropriations.—Title II of the Indian Health Care Im-
provement Act is amended by striking section 224
(25 U.S.C. 1621w) and inserting the following:

“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 nec-
essary for each of fiscal years 2002 through 2006.”.

(c) Health Facilities.—Title III of the Indian
Health Care Improvement Act is amended by striking sec-
tion 309 (25 U.S.C. 1638a) and inserting the following:

“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.”.

(d) Access to Health Services.—Title IV of the
Indian Health Care Improvement Act is amended by strik-
ing section 407 (25 U.S.C. 1647) and inserting the fol-
lowing:

“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.”.

(e) Health Services for Urban Indians.—Title
V of the Indian Health Care Improvement Act is amended
by striking section 514 (25 U.S.C. 1660d) and inserting the following:

“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.”.

(f) ORGANIZATIONAL IMPROVEMENTS.—Title VI of the Indian Health Care Improvement Act is amended by striking section 603 (25 U.S.C. 1663) and inserting the following:

“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.”.

(g) SUBSTANCE ABUSE PROGRAMS.—

(1) Authorization of Appropriations.—

(A) Indian Women Treatment Programs.—Section 703 of the Indian Health Care Improvement Act (25 U.S.C. 1665b) is amended by striking subsection (d) and inserting the following:

“(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.”.

(B) GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER.—Section 706 of the Indian Health Care Improvement Act (25 U.S.C. 1665e) is amended by striking subsection (d) and inserting the following:

“(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.”.

(C) FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT GRANTS.—Section 708 of the Indian Health Care Improvement Act (25 U.S.C. 1665g) is amended by striking subsection (f) and inserting the following:

“(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.”.

(D) Thunder Child Treatment Center.—Section 710 of the Indian Health Care Improvement Act (25 U.S.C. 1665i) is amended—

(i) by striking “(b) For the purposes of” and all that follows through “No funding” and inserting the following:

“(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”; and

(ii) in the third sentence, by striking “None of the funding” and inserting the following:

“(3) Administrative purposes.—None of the funding”.

(E) Substance Abuse Counselor Education Demonstration Project.—Section
711 of the Indian Health Care Improvement Act (25 U.S.C. 1665j) is amended by striking subsection (h) and inserting the following:

“(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.”.

(2) Additional Authorization of Appropriations.—Title VII of the Indian Health Care Improvement Act is amended by striking section 714 (25 U.S.C. 1665m) and inserting the following:


“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.”.

(h) Miscellaneous.—

(1) Home- and Community-Based Care Demonstration Project.—Section 821 of the Indian Health Care Improvement Act (25 U.S.C. 1680k) is amended by striking subsection (i) and inserting the following:

“(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.”.

(2) AUTHORIZATION OF APPROPRIATIONS.—
Title VIII of the Indian Health Care Improvement Act is amended by striking section 825 (25 U.S.C. 1680o) and inserting the following:

“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.”.


(a) TRIBAL ACTION PLANS.—

(1) IN GENERAL.—Section 4206(d) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412(d)) is amended—

(A) by striking “(1) The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

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

“(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.”.

(2) ADDITIONAL AUTHORIZATION.—Section
4206(f) of the Indian Alcohol and Substance Abuse
2412(f)) is amended—

(A) by striking “(f)(1) The Secretary” and
inserting the following:

“(f) GRANTS FOR IN-SCHOOL TRAINING PRO-
GRAMS.—

“(1) IN GENERAL.—The Secretary”;

(B) in paragraph (2)—

(i) by striking “(2) Funds” and in-
serting the following:

“(2) USE OF FUNDS.—Funds”; and

(ii) by indenting subparagraphs (A)
through (E) appropriately; and

(C) by striking paragraph (3) and insert-
ing the following:

“(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.”.

(b) NEWSLETTER.—Section 4210 of the Indian Alco-
hol and Substance Abuse Prevention and Treatment Act
of 1986 (25 U.S.C. 2416) is amended by striking sub-
section (b) and inserting the following:

“(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.”.

(c) Indian Education Programs.—Section
4212(a) of the Indian Alcohol and Substance Abuse Pre-
is amended—

(1) in the first sentence, by striking “The As-
sistant Secretary of Indian Affairs” and inserting
the following:

“(1) in general.—The Assistant Secretary of
Indian Affairs”;

(2) in the second sentence, by striking “The As-
sistant Secretary shall” and inserting the following:

“(2) Defrayment of Costs.—The Assistant
Secretary shall”;

(3) by striking the third sentence and inserting
the following:

“(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.”.
(d) Emergency Shelters.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

“(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 halfway houses to provide 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 halfway 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.).”;

(2) in paragraph (4), by striking “(4) Funds” and inserting the following:

“(4) CONDITIONS FOR USE.—Funds”; and

(3) in paragraph (5)—

(A) by striking “(5) Nothing in this Act may be construed” and inserting the following:

“(5) EFFECT ON OTHER AUTHORITY.—Nothing in this Act”;

(B) in subparagraph (A)—

(i) by striking “to limit” and inserting “limits”; and

(ii) by striking “houses, or” and inserting “houses; or”; and

(C) in subparagraph (B), by striking “to require” and inserting “requires”.

(e) ILLEGAL NARCOTICS TRAFFIC ON THE TOHONO O’ODHAM AND ST. REGIS RESERVATIONS; SOURCE ERADICATION.—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:
“(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.”; and

(2) in subsection (b), by striking paragraph (2)
and inserting the following:

“(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.”.

(f) Bureau of Indian Affairs Law Enforcement and Judicial Training.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended by striking subsection (b) and inserting the following:

“(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.”.

(g) Juvenile Detention Centers.—Section 4220
of the Indian Alcohol and Substance Abuse Prevention
and Treatment Act of 1986 (25 U.S.C. 2453) is amended
by striking subsection (b) and inserting the following:

“(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.”.

SEC. 105. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT.

(a) INDIAN CHILD ABUSE TREATMENT GRANT PROGRAM.—Section 409 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3208) is amended by striking subsection (e) and inserting the following:

“(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.”.

(b) INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.—Section 410 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3209) is amended by striking subsection (h) and inserting the following:

“(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.”.

(c) INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.—Section 411 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3210) is amended by striking subsection (i) and inserting the following:
“(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.”

SEC. 106. NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) In General.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking subsections (a) through (c) and inserting the following:

“(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).”;

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(2) by redesignating subsection (d) as subsection (e); and

(3) by striking subsection (e).

(b) EXPRESS AUTHORIZATION.—Section 803A(f) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–1(f)) is amended—

(1) by striking “(f)(1)” and all that follows through the end of paragraph (1) and inserting the following:

“(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.”; and

(2) in paragraph (2), by striking “(2) The revolving loan fund” and inserting the following:

“(2) REVOLVING LOAN FUND.—The revolving loan fund”.

SEC. 107. NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

(a) NATIVE HAWAIIAN HEALTH CARE SYSTEMS.—Section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705) is amended by striking subsection (h) and inserting the following:
“(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.”.

(b) Native Hawaiian Health Scholarships.—Section 10 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709) is amended by striking subsection (c) and inserting the following:

“(c) 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.”.

SEC. 108. FOUR CORNERS INTERPRETIVE CENTER ACT.

Section 7 of the Four Corners Interpretive Center Act (Public Law 106–143; 113 Stat. 1706) is amended—

(1) in subsection (a)(2), by striking “2005” and inserting “2007”;

(2) in subsection (b), by striking “2002” and inserting “2004”; and

(3) in subsection (e), by striking “2001” and inserting “2003”.

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TITLE II—PROVISIONS RELATING TO PARTICULAR INDIAN TRIBES

SEC. 201. AUTHORIZATION OF 99-YEAR LEASES FOR FEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION.

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

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

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

(3) by striking “Washington,” and inserting “Washington,”.

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

SEC. 202. COW CREEK LAND SELECTION.

Section 7 of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712e) is amended in the third sentence by inserting before the period at the end the following: “, and shall be treated as on-reservation
land for the purpose of processing acquisitions of real
property into trust”.

SEC. 203. NAVAJO-HOPI RELOCATION IMPACT STUDY.

(a) REAUTHORIZATION.—Section 25(a) of Public
Law 93–531 (commonly known as the “Navajo-Hopi Land
Settlement Act of 1974”) (25 U.S.C. 640d–24(a)) is
amended by striking paragraph (8) and inserting the fol-
lowing:

“(8) RELOCATION HOUSING.—There is author-
ized to be appropriated to carry out section 15
$30,000,000 for each of fiscal years 2002 through
2006.”.

(b) STUDY.—Public Law 93–531 (commonly known
as the “Navajo-Hopi Land Settlement Act of 1974”) (25
U.S.C. 640d et seq.) is amended—

(1) by redesignating the second section 32 (25
U.S.C. 640d–31) as section 33; and

(2) by adding at the end the following:

“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 appropriate 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.”.

SEC. 204. PONCA TRIBE OF NEBRASKA.

Section 5 of the Ponca Restoration Act (25 U.S.C. 983c) is amended—

(1) in the first sentence, by striking “Notwithstanding” and inserting the following:

“(a) IN GENERAL.—Notwithstanding”;

(2) in the second sentence, by striking “In the case of Federal” and inserting the following:

“(b) FEDERAL SERVICES.—In the case of Federal”;

and

(3) by adding at the end the following:

“(c) DESIGNATION.—For the purpose of services provided by the Indian Health Service, the area comprised of Douglas County and Sarpy County, Nebraska, and Pottawattamie County, Iowa, is designated as the Ponca Health and Wellness Clinic Service Unit.”.
SEC. 205. MISSISSIPPI BAND OF CHOCTAW INDIANS.

Section 1(a)(2) of Public Law 106–228 (114 Stat. 462) is amended by striking “report entitled” and all that follows through “is hereby declared” and inserting the following: “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”.

SEC. 206. MODIFICATION OF PUEBLO DE COCHITI SETTLEMENT.

Section 1 of Public Law 102–358 (106 Stat. 960) is amended—

(1) by striking “implement the settlement” and inserting the following: “implement—

“(1) the settlement;”;

(2) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(2) the modifications regarding the use of the settlement funds as described in the agreement known as the ‘First Amendment to Operation and

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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.”.

SEC. 207. CHIPPEWA CREE TRIBE OF THE ROCKY BOYS RESERVATION SETTLEMENT MODIFICATION.

(a) In General.—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 by striking “3 years” and inserting “5 years”.

(b) Effective Date.—The amendment made by subsection (a) shall apply to any decree described in section 101(b)(1) 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) entered into on or after December 9, 1999.
SEC. 208. DISPOSAL OF OIL SHALE RESERVE NUMBERED 2.

Section 3405(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended by striking paragraph (3) and inserting the following:

“(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.”.

SEC. 209. LAND OF PECHANGA BAND OF LUISENO MISSION INDIANS.

(a) LIMITATION ON CONVEYANCE.—Land described in subsection (b) (or any interest in that land) shall not be transferred or otherwise made available for condemnation until the date on which—

(1) the Secretary of the Interior renders a final decision on the fee-to-trust application pending on the date of enactment of this Act concerning the land; and
(2) final decisions have been rendered regarding all appeals relating to the application decision.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is land located in Riverside County, California, that is held in fee by the Pechanga Band of Luiseno Mission Indians, as described in Document No. 211130 of the Office of the Recorder, Riverside County, California, and recorded on May 15, 2001.

SEC. 210. QUINAULT INDIAN NATION WATER FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary of the Interior may carry out a water source, quantity, and quality feasibility study for the Quinault Indian Nation, to identify ways to meet the current and future domestic and commercial water supply and distribution needs of the Quinault Indian Nation on the Olympic Peninsula, Washington.

(b) PUBLIC AVAILABILITY OF RESULTS.—As soon as practicable after completion of a feasibility study under subsection (a), the Secretary of the Interior shall—

(1) publish in the Federal Register a notice of the availability of the results of the feasibility study;

and

(2) make available to the public, on request, the results of the feasibility study.
SEC. 211. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE PUEBLO OF SANTO DOMINGO.

Notwithstanding any other provision of law—

(1) the balances of all expert assistance loans made to the Pueblo of Santo Domingo under Public Law 88–168 (77 Stat. 301), and relating to Pueblo of Santo Domingo v. United States (Docket No. 355 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary of the Interior shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Pueblo of Santo Domingo from any liability associated with any loan described in paragraph (1).

SEC. 212. TRINITY RIVER RECORD OF DECISION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the record of decision by the United States Fish and Wildlife Service entitled “Trinity River Mainstem Fishery Restoration”, issued by the Secretary of the Interior with the concurrence of the Hoopa Valley Tribe on December 19, 2000 (referred to in this section as the “record of decision”), shall be considered to comply with all provisions of law under which, and subject to which, the record of decision was issued.
(b) IMPLEMENTATION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, and any other person with respect to which the record of decision describes any right, authority, or obligation, shall implement and otherwise comply with the record of decision.

(c) MODIFICATION.—The Secretary may modify the record of decision only with the concurrence of—

(1) the Hoopa Valley Tribe; and

(2) the Yurok Tribe.

TITLE III—NATIVE AMERICAN PROGRAMS

SEC. 301. TRADEMARKS FOR INDIAN ARTS AND CRAFTS.

(a) POWERS OF INDIAN ARTS AND CRAFTS BOARD.—Section 2(g) of the Act of August 27, 1935 (25 U.S.C. 305a(g)), is amended—

(1) in paragraph (1), by inserting “trademarks for” after “products and”;

(2) in paragraph (3), by striking “and assign it and the goodwill associated with it to an individual Indian or Indian tribe without charge; and” and inserting a semicolon;

(3) in paragraph (4), by striking “to pursue or defend in the courts any appeal or proceeding with respect to any final determination of that office”
and inserting “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”; and

(4) by inserting after the semicolon at the end the following: “(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;”.

(b) TRADEMARK FEE WAIVER.—Section 31(b) of the Act of July 5, 1946 (15 U.S.C. 1113(b)), is amended—

(1) in the first sentence, by striking “The Director” and inserting the following:

“(1) WAIVER.—The Director”; and
(2) by striking the second sentence and inserting the following:

“(2) INDIAN PRODUCTS.—

“(A) IN GENERAL.—The Indian Arts and Crafts Board will not be charged any fee to register trademarks for Indian products or for the products of an individual Indian, Indian tribe, or Indian arts and crafts organization (as those terms are used in section 2 of the Act of August 27, 1935 (25 U.S.C. 305a)).

“(B) NO REGISTRATION FEES.—An individual Indian, Indian tribe, or Indian arts and crafts organization (as those terms are used in section 2 of the Act of August 27, 1935 (25 U.S.C. 305a)) shall not be charged any fee to register a trademark or other mark for an Indian arts and crafts product.”.

SEC. 302. TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTIONS.

Section 311(a) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2391(a)) is amended—

(1) by striking “Funds made available” and inserting the following:
“(1) IN GENERAL.—Except as provided in para-

graph (2), funds made available”; and

(2) by adding at the end the following:

“(2) EXEMPTION FOR TRIBALLY CONTROLLED
POSTSECONDARY VOCATIONAL AND TECHNICAL IN-
STITUTIONS.—Paragraph (1) shall not apply to
funds made available under section 117.”.

SEC. 303. SELF-DETERMINATION PROVISIONS.

(a) APPLICATION OF LAWS TO ADMINISTRATIVE AP-
PEALS.—Section 110 of the Indian Self-Determination
and Education Assistance Act (25 U.S.C. 450m–1) is
amended by striking subsection (c) and inserting the fol-
lowing:

“(c) APPLICATION OF LAWS TO ADMINISTRATIVE AP-
PEALS.—

“(1) IN GENERAL.—The Equal Access to Jus-
tice Act (5 U.S.C. 504 note; Public Law 96–481),
section 504 of title 5, United States Code, and sec-
tion 2412 of title 28, United States Code, shall
apply to an administrative appeal by a tribal organi-
ization that—

“(A) is pending on or filed after October

5, 1988; 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.”.

(b) INCORPORATION OF SELF-DETERMINATION PROVISIONS.—Section 403 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc) is amended by striking subsection (l) and inserting the following:

“(l) INCORPORATION OF SELF-DETERMINATION PROVISIONS.—

“(1) 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 title III or this title.

“(2) FORCE AND EFFECT.—A provision incorporated under paragraph (1) shall—

“(A) have the same force and effect as if included in title III or 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.”.

SEC. 304. INDIAN LAND CONSOLIDATION.

(a) TECHNICAL CORRECTION.—Section 206(c)(2)(B) of the Indian Land Consolidation Act (25 U.S.C. 2205(c)(2)(B)) is amended by striking “207(a)(6)(B) of this Act” and inserting “207(a)(6)”.

(b) EFFECTIVE DATE.—Section 207(g) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)) is amended by striking paragraph (5) and inserting the following:

“(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 ef-
fect on November 7, 2000.”.

(c) TRUST AND RESTRICTED LAND TRANS-
ACTIONS.—Section 217(c) of the Indian Land Consolidation Act (25 U.S.C. 2216(c)) is amended—

(1) by striking the subsection heading and all
that follows through the end of the first sentence
and inserting the following:

“(c) Acquisition of Interest by Secretary.—

“(1) Request.—

“(A) In General.—An Indian, or the rec-
ognized tribal government of a reservation, that
is in possession of any portion of the fee inter-
est in a parcel of land described in subpara-
graph (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 reserva-
tion; and

“(ii) at least a portion of the owner-
ship interest in which is held by the Sec-
retary, in trust or restricted status, on November 7, 2000.”; and
(2) in the second sentence, by striking “Upon” and inserting the following:
“(2) INTEREST.—Upon”.

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