

Public Law 102-238
102d Congress

An Act

Dec. 17, 1991

[S. 1193]

To make technical amendments to various Indian laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Technical
Amendments to
Various Indian
Laws Act of
1991.
25 USC 2201
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technical Amendments to Various Indian Laws Act of 1991".

SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGULATORY ACT.

(a) EXTENSION OF TIME FOR OPERATION OF CERTAIN GAMING ACTIVITIES.—Section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703) is amended by adding at the end of paragraph (7) the following new subparagraphs:

"(E) Notwithstanding any other provision of this paragraph, the term 'class II gaming' includes, during the 1-year period beginning on the date of enactment of this subparagraph, any gaming described in subparagraph (B)(ii) that was legally operated on Indian lands in the State of Wisconsin or Montana on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated requested the State, by no later than November 16, 1988, to negotiate a Tribal-State compact under section 11(d)(3) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(3)).

"(F) If, during the 1-year period described in subparagraph (E), there is a final judicial determination that the gaming described in subparagraph (E) is not legal as a matter of State law, then such gaming on such Indian land shall cease to operate on the date next following the date of such judicial decision."

(b) REAUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL INDIAN GAMING COMMISSION.—Section 19(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2718(b)) is amended by adding at the end thereof the following new sentence: "Notwithstanding the provisions of section 18, there are authorized to be appropriated such sums as may be necessary to fund the operation of the Commission for each of the fiscal years beginning October 1, 1991, and October 1, 1992."

SEC. 3. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

Section 204 of the Indian Land Consolidation Act (25 U.S.C. 2203) is amended—

(1) by deleting "(1) the sale price" and inserting in lieu thereof "(1) except as provided by subsection (c), the sale price"; and

(2) by adding immediately after subsection (b) the following new subsection:

"(c) The Secretary may execute instruments of conveyance for less than fair market value to effectuate the transfer of lands used as homesites held, on the date of the enactment of this subsection, by

Wisconsin.
Montana.

the United States in trust for the Cherokee Nation of Oklahoma. Only the lands used as homesites, and described in the land consolidation plan of the Cherokee Nation of Oklahoma approved by the Secretary on February 6, 1987, shall be subject to this subsection.”

SEC. 4. AMENDMENT TO THE ACT ENTITLED “AN ACT TO PROVIDE FOR THE ALLOTMENT OF LANDS OF THE CROW TRIBE, FOR THE DISTRIBUTION OF TRIBAL FUNDS, AND FOR OTHER PURPOSES”.

Section 1 of the Act entitled “An Act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes”, approved June 4, 1920 (41 Stat. 751) is amended by inserting immediately after “*Provided*, That any Crow Indian classified as competent shall have the full responsibility of obtaining compliance with the terms of any lease made”, a comma and the following: “except for those terms that pertain to conservation and land use measures on the land, and the Superintendent shall ensure that the leases contain proper conservation and land use provisions and shall also enforce such provisions”.

SEC. 5. AMENDMENT TO THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT TO PROVIDE AUTHORITY FOR THE PROVISION OF ASSISTANCE UNDER TITLE IX OF THE ACT TO PROGRAMS ADMINISTERED BY THE STATE OF HAWAII UNDER THE ACT OF JULY 9, 1921.

(a) Title IX of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is amended by adding at the end of subtitle D the following:

“SEC. 962. AUTHORIZATION FOR THE PROVISION OF ASSISTANCE TO PROGRAMS ADMINISTERED BY THE STATE OF HAWAII UNDER THE ACT OF JULY 9, 1921.

42 USC 1437f
note.

“(a) ASSISTANCE AUTHORIZED.—The Secretary of Housing and Urban Development is authorized to provide assistance, under any housing assistance program administered by the Secretary, to the State of Hawaii, for use by the State in meeting the responsibilities with which it has been charged under the provisions of the Act of July 9, 1921 (42 Stat. 108).

“(b) MORTGAGE INSURANCE.—

“(1) IN GENERAL.—Notwithstanding any other provision or limitation of this Act, or the National Housing Act, including those relating to marketability of title, the Secretary of Housing and Urban Development may provide mortgage insurance covering any property on lands set aside under the provisions of the Act of July 9, 1921 (42 Stat. 108), upon which there is or will be located a multifamily residence, for which the Department of the Hawaiian Home Lands of the State of Hawaii—

“(A) is the mortgagor or co-mortgagor;

“(B) guarantees in writing to reimburse the Secretary for any mortgage insurance claim paid in connection with such property; or

“(C) offers other security that is acceptable to the Secretary, subject to appropriate conditions prescribed by the Secretary.

“(2) SALE ON DEFAULT.—In the event of a default on a mortgage insured pursuant to paragraph (1), the Department of Hawaiian Home Lands of the State of Hawaii may sell the

insured property or housing unit to an eligible beneficiary as defined in the Act of July 9, 1921 (42 Stat. 108).”.

42 USC 1437f
note.

(b) Section 958 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) is repealed.

SEC. 6. AVAILABILITY OF FUNDS.

(a) FISCAL YEARS 1989 AND 1990.—(1) Moneys appropriated under the heading “Community Planning and Development” and the subheading “Community Development Grants” in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1989, and under the same heading and subheading in title II of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

(2) Moneys appropriated under the heading “Community Planning and Development” and the subheading “Community Development Grants” in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

(b) FISCAL YEARS 1991 AND 1992.—(1) Moneys appropriated for special purpose grants under the heading “Annual Contributions For Assisted Housing” and subheading “(Including Recession And Transfer Of Funds)” in the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

(2) Moneys appropriated for special purpose grants under the heading “Annual Contributions For Assisted Housing” and subheading “(Including Recession and Transfer of Funds)” in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992, for infrastructure development on Hawaiian Home Lands are hereby made available for the purposes for which appropriated without regard to any fiscal year limitation, Public Law 88-352, Public Law 90-284, or any other law.

SEC. 7. AMENDMENTS TO SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY WATER RIGHTS SETTLEMENT ACT.

The Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988 (Public Law 100-512) is amended in sections

7(a), 7(d), 10(a)(1)(A), 10(a)(1)(B), and 12(b), by striking out “December 31, 1991” and inserting in lieu thereof “June 30, 1992”. 102 Stat. 2553, 2556, 2559.

Approved December 17, 1991.

LEGISLATIVE HISTORY—S. 1193:

SENATE REPORTS: No. 102-66 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):

June 4, considered and passed Senate.

July 29, considered and passed House, amended.

Sept. 24, Senate concurred in House amendment with amendments.

Oct. 8, Senate vitiated proceedings of Sept. 24; concurred in House amendment with an amendment.

Nov. 23, House concurred in Senate amendment with an amendment.

Nov. 25, Senate concurred in House amendment.