

## Calendar No. 751

108TH CONGRESS  
2D SESSION**S. 2843**

To make technical corrections to laws relating to Native Americans, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2004

Mr. CAMPBELL introduced the following bill; which was read twice and  
referred to the Committee on Indian Affairs

SEPTEMBER 30, 2004

Reported by Mr. CAMPBELL, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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**A BILL**

To make technical corrections to laws relating to Native  
Americans, and for other purposes.

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.**

4       This Act may be cited as the “Native American Tech-  
5       nical Corrections Act of 2004”.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-  
3 retary of the Interior.

4 **SEC. 3. INDIAN ARTS AND CRAFTS ACT AMENDMENTS.**

5 (a) POWERS OF THE INDIAN ARTS AND CRAFTS  
6 BOARD.—Section 2 of the Act of August 27, 1935 (25  
7 U.S.C. 305a), is amended by inserting before the period  
8 at the end the following: “; (j) to investigate violations  
9 of this Act; (k) to enforce this Act through the imposition  
10 of penalties for violations under section 6; (l) to request  
11 the Secretary of the Interior, with advice of the Solicitor,  
12 to enforce this Act through injunctive relief; (m) notwith-  
13 standing any other provision of law, to enter into reim-  
14 bursable support agreements with Federal, State, tribal,  
15 regional, and local investigative or law enforcement enti-  
16 ties in furtherance of the purposes and provisions of this  
17 Act”.

18 (b) APPROPRIATIONS.—Section 4 of the Act of Au-  
19 gust 27, 1935 (25 U.S.C. 305c), is amended to read as  
20 follows:

21 **“SEC. 4. APPROPRIATIONS.**

22 “(a) IN GENERAL.—There are authorized to be ap-  
23 propriated such sums as are necessary to pay the expenses  
24 of the Board and carry out this Act.

25 “(b) FUND.—All income received by the Board from  
26 any source shall be deposited in a special fund, which shall

1 be available to be expended by the Board, without further  
 2 appropriation, to carry out this Act.

3 “(c) USE OF AMOUNTS.—Amounts received by the  
 4 Board resulting from any civil action or enforcement ac-  
 5 tion brought under this Act may be used by the Board  
 6 consistent with this Act, as necessary for the accomplish-  
 7 ment for the purposes of this Act.”.

8 (c) REFERRAL FOR CRIMINAL AND CIVIL VIOLA-  
 9 TIONS; COMPLAINTS; RECOMMENDATIONS.—Section 5 of  
 10 the Act of August 27, 1935 (25 U.S.C. 305d), is amended  
 11 to read as follows:

12 **“SEC. 5. REFERRAL FOR CRIMINAL AND CIVIL PRO-**  
 13 **CEEDINGS.**

14 “(a) CRIMINAL PROCEEDINGS.—

15 “(1) INVESTIGATION.—The Board shall inves-  
 16 tigate violations of section 1159 of title 18, United  
 17 States Code.

18 “(2) ACTION BY THE BOARD.—After an inves-  
 19 tigation is complete, or at any time during an inves-  
 20 tigation, the Board may—

21 “(A) refer the matter to the Attorney Gen-  
 22 eral for additional investigation; and

23 “(B) recommend to the Attorney General  
 24 that criminal proceedings be brought under sec-  
 25 tion 1159 of title 18, United States Code.

1 “(b) CIVIL PROCEEDINGS.—

2 “(1) INVESTIGATIONS.—The Board shall inves-  
3 tigate violations of section 6.

4 “(2) ACTION BY THE BOARD.—After an inves-  
5 tigation is complete, or at any time during an inves-  
6 tigation, the Board may—

7 “(A) levy penalties in accordance with sec-  
8 tion 6; or

9 “(B) refer the matter to the Attorney Gen-  
10 eral for civil action under section 6.

11 “(c) MANDATORY INVESTIGATIONS.—The Board  
12 shall receive and investigate all complaints of violations  
13 of section 1159 of title 18, United States Code, and sec-  
14 tion 6.”.

15 (d) CAUSE OF ACTION FOR MISREPRESENTATION OF  
16 INDIAN-PRODUCED GOODS.—Section 6 of the Act of Au-  
17 gust 27, 1935 (25 U.S.C. 305e), is amended to read as  
18 follows:

19 **“SEC. 6. CAUSE OF ACTION FOR MISREPRESENTATION OF**  
20 **INDIAN-PRODUCED GOODS.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) INDIAN.—The term ‘Indian’ means—

23 “(A) an individual who is a member of an  
24 Indian tribe; and

1           “(B) an individual who, for the purposes of  
2           this section, is certified as an Indian artisan by  
3           an Indian tribe.

4           “(2) INDIAN PRODUCT.—Subject to subsection  
5           (g), the term ‘Indian product’ has the meaning given  
6           the term in regulations that may be promulgated by  
7           the Secretary.

8           “(3) INDIAN TRIBE.—The term ‘Indian tribe’  
9           means—

10           “(A) an Indian tribe, band, nation, Alaska  
11           native village, or other organized group or com-  
12           munity that is recognized as eligible for the spe-  
13           cial programs and services provided by the  
14           United States to Indians because of their status  
15           as Indians; and

16           “(B) an Indian group that has been for-  
17           mally recognized as an Indian tribe by a State  
18           legislature or by a State commission or similar  
19           organization legislatively vested with State trib-  
20           al recognition authority.

21           “(4) PRODUCT OF A PARTICULAR INDIAN TRIBE  
22           OR INDIAN ARTS AND CRAFTS ORGANIZATION.—Sub-  
23           ject to subsection (g), the term ‘product of a par-  
24           ticular Indian tribe or Indian arts and crafts organi-

1 zation’ has the meaning given the term in regula-  
 2 tions that may be promulgated by the Secretary.

3 “(5) SECRETARY.—The term ‘Secretary’ means  
 4 the Secretary of the Interior.

5 “(b) IMPOSITION OF PENALTIES BY THE BOARD.—

6 “(1) IN GENERAL.—The Board may impose a  
 7 civil penalty against a person that, directly or indi-  
 8 rectly, offers or displays for sale or sells a good, with  
 9 or without a Government trademark, in a manner  
 10 that falsely suggests that the good is Indian-pro-  
 11 duced, an Indian product, or the product of a par-  
 12 ticular Indian or Indian tribe or Indian arts and  
 13 crafts organization resident within the United  
 14 States.

15 “(2) AMOUNT.—A civil penalty under para-  
 16 graph (1) shall not exceed 100 percent of the price  
 17 of the goods offered or displayed for sale in violation  
 18 of the Act, not to exceed \$500,000 per person, per  
 19 violation.

20 “(3) FACTORS AFFECTING PENALTY  
 21 AMOUNT.—In determining the amount of a civil pen-  
 22 alty to be imposed, the Board shall consider—

23 “(A) the severity of the violation;

24 “(B) any history of prior violations; and

1           “(C) whether the amount of the civil pen-  
2           alty will be likely to deter future violations.

3           “(4) INJUNCTIVE RELIEF.—If the Board deter-  
4           mines that enforcement of this Act under this sec-  
5           tion will be insufficient to avoid irreparable harm,  
6           the Board, with the concurrence of the Solicitor of  
7           the Department of the Interior, may request the  
8           Secretary to seek injunctive relief in accordance with  
9           section 2 in a court of competent jurisdiction.

10          “(5) NOTICE AND APPEAL OF BOARD DETER-  
11          MINATION.—

12               “(A) NOTICE.—

13                   “(i) IN GENERAL.—If, as a result of  
14                   an investigation conducted by the Board, it  
15                   is determined that a violation of this Act  
16                   has occurred, the Board may, at any time  
17                   during the investigation, notify the person  
18                   under investigation regarding the nature of  
19                   the alleged violation.

20                   “(ii) CONTENT.—A notice under  
21                   clause (i) shall include, at a minimum—

22                           “(I) a detailed description of the  
23                           violation;

24                           “(II) possible remedies, if appro-  
25                           priate;

1 “(III) opportunity to cure, if ap-  
 2 propriate; and

3 “(IV) any other information that  
 4 the Board considers necessary.

5 “(B) APPEAL.—Any person determined to  
 6 be in violation of this Act under this subsection  
 7 may appeal the Board’s findings and imposition  
 8 of civil penalties to the Office of Hearings and  
 9 Appeals of the Department of the Interior in  
 10 accordance with part 4 of title 43, Code of Fed-  
 11 eral Regulations (or any successor regulation).

12 “(c) INJUNCTIVE OR EQUITABLE RELIEF; DAM-  
 13 AGES.—

14 “(1) IN GENERAL.—A person specified in sub-  
 15 section (e) may, in a civil action in a court of com-  
 16 petent jurisdiction, bring an action against a person  
 17 that, directly or indirectly, offers or displays for sale  
 18 or sells a good, with or without a government trade-  
 19 mark, in a manner that falsely suggests that the  
 20 good is Indian-produced, an Indian product, or the  
 21 product of a particular Indian or Indian tribe or In-  
 22 dian arts and crafts organization resident within the  
 23 United States, to—

24 “(A) obtain injunctive or other equitable  
 25 relief; and



1 “(B) recover the greater of—

2 “(i) treble damages; or

3 “(ii) in the case of each aggrieved in-  
 4 dividual Indian, Indian tribe, or Indian  
 5 arts and crafts organization, not less than  
 6 \$1,000 for each day on which the offer or  
 7 display for sale or sale continues.

8 “(2) DAMAGES.—For purposes of paragraph  
 9 (1)(B)(i), damages include all gross profits realized  
 10 by the defendant as a result of the activities found  
 11 in violation of this subsection.

12 “(d) PUNITIVE DAMAGES; ATTORNEY’S FEE.—In ad-  
 13 dition to the relief specified in subsection (c), the court  
 14 may award punitive damages, and costs of the civil action,  
 15 and a reasonable attorney’s fee.

16 “(e) PERSONS WHO MAY INITIATE CIVIL AC-  
 17 TIONS.—

18 “(1) IN GENERAL.—A civil action under sub-  
 19 section (b) may be brought—

20 “(A) by the Attorney General, on request  
 21 of the Secretary on behalf of—

22 “(i) an Indian tribe;

23 “(ii) an Indian; or

24 “(iii) an Indian arts and crafts orga-  
 25 nization;

1           “(B) by an Indian tribe on behalf of itself,  
2           an Indian, or an Indian arts and crafts organi-  
3           zation;

4           “(C) by an Indian; or

5           “(D) by an Indian arts and crafts organi-  
6           zation.

7           “(2) DISPOSITION OF AMOUNTS RECOVERED.—

8           Any amount recovered under this section shall be  
9           paid to the Indian tribe, Indian, or Indian arts and  
10          crafts organization, except that—

11          “(A) in the case of a civil action under  
12          paragraph (1)(A), the Attorney General may  
13          deduct from the amount recovered—

14               “(i) the amount for the costs of the  
15               civil action and reasonable attorney’s fee  
16               awarded pursuant to subsection (d), to be  
17               deposited in the Treasury of the United  
18               States and credited to appropriations cur-  
19               rently available to the Attorney General at  
20               the time of receipt of the amount; and

21               “(ii) the amount for the costs of in-  
22               vestigation awarded pursuant to subsection  
23               (d), to be used to reimburse the Board the  
24               amount of such costs incurred as a direct  
25               result of Board activities in the civil action;

1           “(B) in the case of a civil action under  
 2           paragraph (1)(B), the amount recovered for the  
 3           costs of the civil action and reasonable attor-  
 4           ney’s fee pursuant to subsection (d) may be de-  
 5           ducted.

6           “(f) SEVERABILITY.—If any provision of this section  
 7           is held invalid, it is the intent of Congress that the remain-  
 8           ing provisions of this section shall continue in full force  
 9           and effect.

10          “(g) REGULATIONS.—Not later than 180 days after  
 11          the date of enactment of this subsection, the Board shall  
 12          promulgate regulations to include in the definition of the  
 13          term ‘Indian product’ specific examples of each such prod-  
 14          uct to provide guidance to Indian artisans and to pur-  
 15          veyors and consumers of Indian arts and crafts.”.

16       **SEC. 4. INDIAN FINANCING ACT AMENDMENTS.**

17          (a) SALE OR ASSIGNMENT OF LOANS AND UNDER-  
 18          LYING SECURITY.—Section 205 of the Indian Financing  
 19          Act of 1974 (25 U.S.C. 1485) is amended—

20               (1) by striking “SEC. 205.” and all that follows  
 21          through subsection (b) and inserting the following:

1 **“SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDER-**  
 2 **LYING SECURITY.**

3 “(a) IN GENERAL.—All or any portion of a loan  
 4 guaranteed or insured under this title, including the secu-  
 5 rity given for the loan—

6 “(1) may be transferred by the lender by sale  
 7 or assignment to any person; and

8 “(2) may be retransferred by the transferee.

9 “(b) TRANSFERS OF LOANS.—With respect to a  
 10 transfer described in subsection (a)—

11 “(1) the transfer shall be consistent with such  
 12 regulations as the Secretary shall promulgate under  
 13 subsection (h); and

14 “(2) the transferee shall give notice of the  
 15 transfer to the Secretary.”;

16 (2) by striking subsection (c);

17 (3) by redesignating subsections (d), (e), (f),  
 18 (g), (h), and (i) as subsections (c), (d), (e), (f), (g),  
 19 and (h), respectively;

20 (4) in subsection (c) (as redesignated by para-  
 21 graph (3))—

22 (A) by striking “VALIDITY.—” and all that  
 23 follows through “subparagraph (B),” and in-  
 24 serting “VALIDITY.—Except as provided by reg-  
 25 ulations in effect on the date on which a loan  
 26 is made,”; and

1 (B) by striking “incontestable” and all  
 2 that follows and inserting “incontestable.”;

3 (5) in subsection (e) (as redesignated by para-  
 4 graph (3))—

5 (A) by striking “The Secretary” and in-  
 6 serting the following:

7 “(1) IN GENERAL.—The Secretary”; and

8 (B) by adding at the end the following:

9 “(2) COMPENSATION OF FISCAL TRANSFER  
 10 AGENT.—A fiscal transfer agent designated under  
 11 subsection (f) may be compensated through any of  
 12 the fees assessed under this section and any interest  
 13 earned on any funds or fees collected by the fiscal  
 14 transfer agent while the funds or fees are in the con-  
 15 trol of the fiscal transfer agent and before the time  
 16 at which the fiscal transfer agent is contractually re-  
 17 quired to transfer such funds to the Secretary or to  
 18 transferees or other holders.”; and

19 (6) in subsection (f) (as redesignated by para-  
 20 graph (3))—

21 (A) by striking “subsection (i)” and insert-  
 22 ing “subsection (h)”;

23 (B) in paragraph (2)(B), by striking “,  
 24 and issuance of acknowledgments,”.

1 **SEC. 5. INDIAN PUEBLO LAND ACT AMENDMENTS.**

2 (a) IN GENERAL.—The Act of June 7, 1924 (43 Stat.  
3 636, chapter 331), is amended by adding at the end the  
4 following:

5 **“SEC. 20. CRIMINAL JURISDICTION.**

6 “(a) IN GENERAL.—Except as otherwise provided by  
7 Congress, jurisdiction over offenses committed anywhere  
8 within the exterior boundaries of any grant from a prior  
9 sovereign, as confirmed by Congress or the Court of Pri-  
10 vate Land Claims to a Pueblo Indian tribe of New Mexico,  
11 shall be as provided in this section.

12 “(b) JURISDICTION OF THE PUEBLO.—The Pueblo  
13 has jurisdiction, as an act of the Pueblos’ inherent power  
14 as an Indian tribe, over any offense committed by a mem-  
15 ber of the Pueblo or of another federally recognized Indian  
16 tribe, or by any other Indian-owned entity.

17 “(c) JURISDICTION OF THE UNITED STATES.—The  
18 United States has jurisdiction over any offense described  
19 in chapter 53 of title 18, United States Code, committed  
20 by or against a member of any federally recognized Indian  
21 tribe or any Indian-owned entity, or that involves any In-  
22 dian property or interest.

23 “(d) JURISDICTION OF THE STATE OF NEW MEX-  
24 ICO.—The State of New Mexico shall have jurisdiction  
25 over any offense committed by a person who is not a mem-

ber of a federally recognized Indian tribe, which offense  
is not subject to the jurisdiction of the United States.”.

**SEC. 6. INDIAN REORGANIZATION ACT CORPORATION  
AMENDMENT.**

Section 17 of the Act of June 18, 1936 (25 U.S.C.  
477) (commonly known as the “Indian Reorganization  
Act”) is amended in the second sentence by striking “with  
law” and all that follows through “twenty-five” and insert-  
ing “with law, and not for purposes of conducting gaming  
(within the meaning of section 4 of the Indian Gaming  
Regulatory Act (25 U.S.C. 2703)), but no authority shall  
be granted to sell or mortgage or to lease for a period  
exceeding 99”. “sell,” and all that follows and inserting  
“sell or mortgage, or to lease as lessor for a period exceeding  
99 years, for any trust or restricted land included in the  
limits of the reservation, except that such authority may  
not exceed 25 years in the case of activities authorized  
under the Indian Gaming Regulatory Act (25 U.S.C. 2701  
et seq.).”.

**SEC. 7. PRAIRIE ISLAND LAND CONVEYANCE.**

(a) IN GENERAL.—The Secretary of the Army shall  
convey all right, title, and interest of the United States  
in and to the land described in subsection (b), including  
all improvements, cultural resources, and sites on the land,  
subject to the flowage and sloughing easement described

1 in subsection (d) and to the conditions stated in subsection  
 2 (f), to the Secretary, to be—

3 (1) held in trust by the United States for the  
 4 benefit of the Prairie Island Indian Community in  
 5 Minnesota; and

6 (2) included in the Prairie Island Indian Com-  
 7 munity Reservation in Goodhue County, Minnesota.

8 (b) LAND DESCRIPTION.—The land to be conveyed  
 9 under subsection (a) is the approximately 1290 acres of  
 10 land associated with the Lock and Dam #3 on the Mis-  
 11 sissippi River in Goodhue County, Minnesota, located in  
 12 tracts identified as GO-251, GO-252, GO-271, GO-277,  
 13 GO-278, GO-284, GO-301 through GO-313, GO-314A,  
 14 GO-314B, GO-329, GO-330A, GO-330B, GO-331A,  
 15 GO-331B, GO-331C, GO-332, GO-333, GO-334, GO-  
 16 335A, GO-335B, GO-336 through GO-338, GO-339A,  
 17 GO-339B, GO-339C, GO-339D, GO-339E, GO-340A,  
 18 GO-340B, GO-358, GO-359A, GO-359B, GO-359C,  
 19 GO-359D, and GO-360, as depicted on the map entitled  
 20 “United States Army Corps of Engineers survey map of  
 21 the Upper Mississippi River 9-Foot Project, Lock & Dam  
 22 No. 3 (Red Wing), Land & Flowage Rights” and dated  
 23 December 1936.

24 (c) BOUNDARY SURVEY.—Not later than 5 years  
 25 after the date of conveyance under subsection (a), the



1 boundaries of the land conveyed shall be surveyed as pro-  
2 vided in section 2115 of the Revised Statutes (25 U.S.C.  
3 176).

4 (d) EASEMENT.—

5 (1) IN GENERAL.—The Corps of Engineers  
6 shall retain a flowage and sloughing easement for  
7 the purpose of navigation and purposes relating to  
8 the Lock and Dam No. 3 project over the portion of  
9 the land described in subsection (b) that lies below  
10 the elevation of 676.0.

11 (2) INCLUSIONS.—The easement retained under  
12 paragraph (1) includes—

13 (A) the perpetual right to overflow, flood,  
14 and submerge property as the District Engineer  
15 determines to be necessary in connection with  
16 the operation and maintenance of the Mis-  
17 sissippi River Navigation Project; and

18 (B) the continuing right to clear and re-  
19 move any brush, debris, or natural obstructions  
20 that, in the opinion of the District Engineer,  
21 may be detrimental to the project.

22 (e) OWNERSHIP OF STURGEON LAKE BED UNAF-  
23 FECTED.—Nothing in this section diminishes or otherwise  
24 affects the title of the State of Minnesota to the bed of

1 Sturgeon Lake located within the tracts of land described  
2 in subsection (b).

3 (f) CONDITIONS.—The conveyance under subsection  
4 (a) is subject to the conditions that the Prairie Island In-  
5 dian Community shall not—

6 (1) use the conveyed land for human habitation;

7 (2) construct any structure on the land without  
8 the written approval of the District Engineer; or

9 (3) conduct gaming (within the meaning of sec-  
10 tion 4 of the Indian Gaming Regulatory Act (25  
11 U.S.C. 2703)) on the land.

12 (g) NO EFFECT ON ELIGIBILITY FOR CERTAIN  
13 PROJECTS.—Notwithstanding the conveyance under sub-  
14 section (a), the land shall continue to be eligible for envi-  
15 ronmental management planning and other recreational or  
16 natural resource development projects on the same basis  
17 as before the conveyance.

18 (h) EFFECT OF SECTION.—Nothing in this section  
19 diminishes or otherwise affects the rights granted to the  
20 United States pursuant to letters of July 23, 1937, and  
21 November 20, 1937, from the Secretary to the Secretary  
22 of War and the letters of the Secretary of War in response  
23 to the Secretary dated August 18, 1937, and November  
24 27, 1937, under which the Secretary granted certain  
25 rights to the Corps of Engineers to overflow the portions

1 of Tracts A, B, and C that lie within the Mississippi River  
 2 9-Foot Channel Project boundary and as more particu-  
 3 larly shown and depicted on the map entitled “United  
 4 States Army Corps of Engineers survey map of the Upper  
 5 Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red  
 6 Wing), Land & Flowage Rights” and dated December  
 7 1936.

8 **SEC. 8. GILA RIVER INDIAN COMMUNITY MANDATORY**  
 9 **BINDING ARBITRATION.**

10 (a) AMENDMENTS.—Subsection (f) of the first sec-  
 11 tion of the Act of August 9, 1955 (25 U.S.C. 415(f)), is  
 12 amended—

13 (1) in the first sentence—

14 (A) by striking “Any lease” and all that  
 15 follows through “affecting land” and inserting  
 16 “Any contract, including a lease, affecting  
 17 land”; and

18 (B) in the second sentence, by striking  
 19 “such leases or contracts entered into pursuant  
 20 to such Acts” and inserting “Such contracts”.

21 (b) EFFECTIVE DATE.—The amendments made by  
 22 subsection (a) shall take effect as if included in the Act  
 23 of August 9, 1955 (69 Stat. 539, chapter 615) and Public  
 24 107–159 (116 Stat. 122).

1 **SEC. 9. ALASKA NATIVE CLAIMS SETTLEMENT ACT VOTING**  
 2 **STANDARDS AMENDMENT.**

3 (a) IN GENERAL.—Subsection (d)(3) of section 36 of  
 4 the Alaska Native Claims Settlement Act (43 U.S.C.  
 5 1629b) (as amended by subsection (b)) is amended—

6 (1) by inserting after “of this section” the fol-  
 7 lowing: “or an amendment to the articles of incorpo-  
 8 ration described in section 7(g)(1)(B)”;

9 (2) by inserting “or amendment” after “meet-  
 10 ing relating to such resolution” each place it ap-  
 11 pears.

12 (b) TECHNICAL CORRECTIONS.—

13 (1)(A) Section 337(a) of the Department of the  
 14 Interior and Related Agencies Appropriations Act,  
 15 2003 (Division F of Public Law 108–7; 117 Stat.  
 16 278; February 20, 2003) is amended—

17 (i) in the matter preceding paragraph (1),  
 18 by striking “Section 1629b of title 43, United  
 19 States Code,” and inserting “Section 36 of the  
 20 Alaska Native Claims Settlement Act (43  
 21 U.S.C. 1629b)”;

22 (ii) in paragraph (2), by striking “by cre-  
 23 ating the following new subsection:” and insert-  
 24 ing “in subsection (d), by adding at the end the  
 25 following:”.

1 (B) Section 36 of the Alaska Native Claims  
 2 Settlement Act (43 U.S.C. 1629b) is amended—

3 (i) in subsection (d)(3), by striking “(d)”;

4 and

5 (ii) in subsection (f), by striking “section  
 6 1629e of this title” and inserting “section 39”.

7 (2)(A) Section 337(b) of the Department of the  
 8 Interior and Related Agencies Appropriations Act,  
 9 2003 (Division F of Public Law 108–7; 117 Stat.  
 10 278; February 20, 2003) is amended by striking  
 11 “Section 1629e(a)(3) of title 43, United States  
 12 Code,” and inserting “Section 39(a)(3) of the Alas-  
 13 ka Native Claims Settlement Act (43 U.S.C.  
 14 1629e(a)(3))”.

15 (B) Section 39(a)(3)(B)(ii) of the Alaska Na-  
 16 tive Claims Settlement Act (43 U.S.C.  
 17 1629e(a)(3)(B)(ii)) is amended by striking “(a)(4)  
 18 of section 1629b of this title” and inserting “section  
 19 36(a)(4)”.

20 (3) The amendments made by this subsection  
 21 take effect on February 20, 2003.

22 **SEC. 10. BEAVER AIRPORT LAND AMENDMENT.**

23 (a) IN GENERAL.—The Secretary shall execute such  
 24 instruments as are necessary to release the condition on  
 25 a portion of land situated adjacent to the community of

1 Beaver, Alaska, conveyed pursuant to Patent No. 50–69–  
2 0130 and dated August 23, 1968, that the land revert to  
3 the United States if the land is not used for airport pur-  
4 poses.

5 (b) TRACTS.—The release of the condition provided  
6 for in subsection (a)—

7 (1) shall apply to approximately 33 acres of  
8 land identified as tracts II through VI of the Beaver  
9 Airport, a part of U.S. Survey No. 3798, Alaska (re-  
10 ferred to in this section as the “community expan-  
11 sion land”);

12 (2) shall be without any requirement for receipt  
13 of fair market value for the release and conveyance  
14 of the conditions otherwise applicable to the commu-  
15 nity expansion land; and

16 (3) shall be contingent on the conveyance by  
17 the State of Alaska of the community expansion  
18 land to the Beaver Kwit’chin corporation, the Village  
19 Corporation of the village of Beaver, Alaska.

20 (c) RECONVEYANCE.—The Beaver Kwit’chin Cor-  
21 poration—

22 (1) shall reconvey to any individual who cur-  
23 rently occupies a portion of the land, or successor in  
24 interest to such an individual, title to such land as  
25 is currently occupied; and

1 (2) may subsequently—

2 (A) convey the remaining land to other in-  
3 dividuals or persons for community expansion  
4 purposes; or

5 (B) retain the remaining land in whole or  
6 in part for community uses.

7 **SEC. 11. PUYALLUP INDIAN TRIBE LAND CLAIMS SETTLE-**  
8 **MENT AMENDMENTS.**

9 (a) IN GENERAL.—~~Notwithstanding any other provi-~~  
10 ~~sion of law, the~~ *The* Secretary shall—

11 (1) accept the conveyance of the parcels of land  
12 within the Puyallup Reservation described in sub-  
13 section (b); and

14 (2) hold the land in trust for the benefit of the  
15 Puyallup Indian Tribe.

16 (b) LAND DESCRIPTION.—The parcels of land re-  
17 ferred to in subsection (a) are as follows:

18 (1) PARCEL A.—Lot B, boundary line adjust-  
19 ment 9508150496: according to the map thereof re-  
20 corded August 15, 1995, records of Pierce County  
21 Auditor, situate in the city of Fife, county of Pierce,  
22 State of Washington.

23 (2) PARCEL B.—Lots 3 and 4, Pierce County  
24 Short Plat No. 8908020412: according to the map  
25 thereof recorded August 2, 1989, records of Pierce

County Auditor, together with portion of SR 5 abutting lot 4, conveyed by deed recorded under recording number 9309070433, described as follows:

That portion of Government lot 1, sec. 07, T. 20 N., R. 4 E., of the Willamette Meridian, described as commencing at Highway Engineer's Station (hereinafter referred to as HES) AL 26 6+38.0 P.O.T. on the AL26 line survey of SR 5, Tacoma to King County line: Thence S88°54'30" E., along the north line of said lot 1 a distance of 95 feet to the true point of beginning: Thence S01°05'30" W87.4' feet: Thence westerly to a point opposite HES AL26 ~~5+0.6~~ 5+50.6 P.O.T. on said AL26 line survey and 75 feet easterly therefrom; Thence northwesterly to a point opposite AL26 5+80.6 on said AL26 line survey and 55 feet easterly therefrom: Thence northerly parallel with said line survey to the north line of said lot 1: Thence N88°54'30" E., to the true point of beginning.

Except that portion of lot 4 conveyed to the State of Washington by deed recorded under recording number 9308100165 and more particularly described as follows:



1 Commencing at the northeast corner of  
 2 said lot 4: Thence ~~N80°53'30"~~ N89°53'30" W.,  
 3 along the north line of said lot 4 a distance of  
 4 147.44 feet to the true point of beginning and  
 5 a point of curvature; thence southwesterly along  
 6 a curve to the left, the center of which bears  
 7 S0°06'30" W., 55.00 feet distance, through a  
 8 central angle of 89°01'00", an arc distance of  
 9 85.45 feet; Thence S01°05'30" W., 59.43 feet;  
 10 Thence N88°54'30" W., 20.00 feet to a point  
 11 on the westerly line of said lot 4; Thence  
 12 N0°57'10" E., along said westerly line 113.15  
 13 feet to the northwest corner of said lot 4;  
 14 Thence S89°53'30" east along said north line,  
 15 a distance of 74.34 feet to the true point of be-  
 16 ginning.

17 Chicago Title Insurance Company Order  
 18 No. 4293514 Lot A boundary line adjustment  
 19 recorded under Recording No. 9508150496. Ac-  
 20 cording to the map thereof recorded August 15,  
 21 1995, records of Pierce County Auditor.

22 Situate in the city of Fife, county of  
 23 Pierce, State of Washington.

24 (3) *ADDITIONAL LOTS.*—*Any lots acquired by the*  
 25 *Tribe located in block 7846, 7850, 7945, 7946, 7949,*

1       7950, 8045, or 8049 in the Indian Addition to the  
2       city of Tacoma, State of Washington.

3   **SEC. 12. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**  
4                   **SIOUX TRIBE, AND STATE OF SOUTH DAKOTA**  
5                   **TERRESTRIAL WILDLIFE HABITAT RESTORA-**  
6                   **TION.**

7       (a) DISBURSEMENT PROVISIONS OF THE STATE OF  
8   SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX  
9   TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRES-  
10   TRIAL WILDLIFE HABITAT RESTORATION TRUST  
11   FUNDS.—Section 602(a)(4) of the Water Resources De-  
12   velopment Act of 1999 (113 Stat. 386) is amended—

13           (1) in subparagraph (A)—

14                   (A) in clause (i), by inserting “and the  
15           Secretary of the Treasury” after “Secretary”;  
16           and

17                   (B) by striking clause (ii) and inserting the  
18           following:

19                           “(ii) AVAILABILITY OF FUNDS.—On  
20                   notification in accordance with clause (i),  
21                   the Secretary of the Treasury shall make  
22                   available to the State of South Dakota  
23                   funds from the State of South Dakota Ter-  
24                   restrial Wildlife Habitat Restoration Trust  
25                   Fund established under section 603, to be

1 used to carry out the plan for terrestrial  
2 wildlife habitat restoration submitted by the  
3 State of South Dakota after the State cer-  
4 tifies to the Secretary of the Treasury that  
5 the funds to be disbursed will be used in  
6 accordance with section 603(d)(3) and only  
7 after the Trust Fund is fully capitalized.”;  
8 and

9 (2) in subparagraph (B), by striking clause (ii)  
10 and inserting the following:

11 “(ii) AVAILABILITY OF FUNDS.—On  
12 notification in accordance with clause (i),  
13 the Secretary of the Treasury shall make  
14 available to the Cheyenne River Sioux  
15 Tribe and the Lower Brule Sioux Tribe  
16 funds from the Cheyenne River Sioux Ter-  
17 restrial Wildlife Habitat Restoration Trust  
18 Fund and the Lower Brule Sioux Terres-  
19 trial Wildlife Habitat Restoration Trust  
20 Fund, respectively, established under sec-  
21 tion 604, to be used to carry out the plans  
22 for terrestrial wildlife habitat restoration  
23 submitted by the Cheyenne River Sioux  
24 Tribe and the Lower Brule Sioux Tribe,  
25 respectively, after the respective tribe cer-

1                   tifies to the Secretary of the Treasury that  
 2                   the funds to be disbursed will be used in  
 3                   accordance with section 604(d)(3) and only  
 4                   after the Trust Fund is fully capitalized.”.

5           (b) INVESTMENT PROVISIONS OF THE STATE OF  
 6 SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION  
 7 TRUST FUND.—Section 603 of the Water Resources De-  
 8 velopment Act of 1999 (113 Stat. 388) is amended—

9                   (1) by striking subsection (c) and inserting the  
 10           following:

11           “(c) INVESTMENTS.—

12                   “(1)     ELIGIBLE     OBLIGATIONS.—Notwith-  
 13           standing any other provision of law, the Secretary of  
 14           the Treasury shall invest the amounts deposited  
 15           under subsection (b) and the interest earned on  
 16           those amounts only in interest-bearing obligations of  
 17           the United States issued directly to the Fund.

18                   “(2) INVESTMENT REQUIREMENTS.—

19                   “(A) IN GENERAL.—The Secretary of the  
 20           Treasury shall invest the Fund in accordance  
 21           with all of the requirements of this paragraph.

22                   “(B) SEPARATE INVESTMENTS OF PRIN-  
 23           CIPAL AND INTEREST.—

24                   “(i)     PRINCIPAL     ACCOUNT.—The  
 25           amounts deposited in the Fund under sub-

1 section (b) shall be credited to an account  
 2 within the Fund (referred to in this para-  
 3 graph as the ‘principal account’) and in-  
 4 vested as provided in subparagraph (C).

5 “(ii) INTEREST ACCOUNT.—The inter-  
 6 est earned from investing amounts in the  
 7 principal account of the Fund shall be  
 8 transferred to a separate account within  
 9 the Fund (referred to in this paragraph as  
 10 the ‘interest account’) and invested as pro-  
 11 vided in subparagraph (D).

12 “(iii) CREDITING.—The interest  
 13 earned from investing amounts in the in-  
 14 terest account of the Fund shall be cred-  
 15 ited to the interest account.

16 “(C) INVESTMENT OF PRINCIPAL AC-  
 17 COUNT.—

18 “(i) INITIAL INVESTMENT.—Each  
 19 amount deposited in the principal account  
 20 of the Fund shall be invested initially in el-  
 21 igible obligations having the shortest matu-  
 22 rity then available until the date on which  
 23 the amount is divided into 3 substantially  
 24 equal portions and those portions are in-  
 25 vested in eligible obligations that are iden-

1           tical (except for transferability) to the  
2           next-issued publicly issued Treasury obli-  
3           gations having a 2-year maturity, a 5-year  
4           maturity, and a 10-year maturity, respec-  
5           tively.

6           “(ii) SUBSEQUENT INVESTMENT.—As  
7           each 2-year, 5-year, and 10-year eligible  
8           obligation matures, the principal of the  
9           maturing eligible obligation shall also be  
10          invested initially in the shortest-maturity  
11          eligible obligation then available until the  
12          principal is reinvested substantially equally  
13          in the eligible obligations that are identical  
14          (except for transferability) to the next-  
15          issued publicly issued Treasury obligations  
16          having 2-year, 5-year, and 10-year matu-  
17          rities.

18          “(iii) DISCONTINUANCE OF ISSUANCE  
19          OF OBLIGATIONS.—If the Department of  
20          the Treasury discontinues issuing to the  
21          public obligations having 2-year, 5-year, or  
22          10-year maturities, the principal of any  
23          maturing eligible obligation shall be rein-  
24          vested substantially equally in eligible obli-  
25          gations that are identical (except for trans-

ferability) to the next-issued publicly  
issued Treasury obligations of the matu-  
rities longer than 1 year then available.

“(D) INVESTMENT OF INTEREST AC-  
COUNT.—

“(i) BEFORE FULL CAPITALIZA-  
TION.—Until the date on which the Fund  
is fully capitalized, amounts in the interest  
account of the Fund shall be invested in el-  
igible obligations that are identical (except  
for transferability) to publicly issued  
Treasury obligations that have maturities  
that coincide, to the greatest extent prac-  
ticable, with the date on which the Fund  
is expected to be fully capitalized.

“(ii) AFTER FULL CAPITALIZATION.—  
On and after the date on which the Fund  
is fully capitalized, amounts in the interest  
account of the Fund shall be invested and  
reinvested in eligible obligations having the  
shortest maturity then available until the  
amounts are withdrawn and transferred to  
fund the activities authorized under sub-  
section (d)(3).

1           “(E) PAR PURCHASE PRICE.—The price to  
 2           be paid for eligible obligations purchased as in-  
 3           vestments of the principal account shall not ex-  
 4           ceed the par value of the obligations so that the  
 5           amount of the principal account shall be pre-  
 6           served in perpetuity.

7           “(F) HIGHEST YIELD.—Among eligible ob-  
 8           ligations having the same maturity and pur-  
 9           chase price, the obligation to be purchased shall  
 10          be the obligation having the highest yield.

11          “(G) HOLDING TO MATURITY.—Eligible  
 12          obligations purchased shall generally be held to  
 13          their maturities.

14          “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-  
 15          TIES.—Not less frequently than once each calendar  
 16          year, the Secretary of the Treasury shall review with  
 17          the State of South Dakota the results of the invest-  
 18          ment activities and financial status of the Fund dur-  
 19          ing the preceding 12-month period.”; and

20          (2) in subsection (d)(2), by inserting “of the  
 21          Treasury” after “Secretary”.

22          (c) INVESTMENT PROVISIONS FOR THE CHEYENNE  
 23          RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE  
 24          TRUST FUNDS.—Section 604 of the Water Resources De-



1 velopment Act of 1999 (113 Stat. 389) is amended by  
 2 striking subsection (c) and inserting the following:

3 “(c) INVESTMENTS.—

4 “(1) ELIGIBLE OBLIGATIONS.—Notwith-  
 5 standing any other provision of law, the Secretary of  
 6 the Treasury shall invest the amounts deposited  
 7 under subsection (b) and the interest earned on  
 8 those amounts only in interest-bearing obligations of  
 9 the United States issued directly to the Funds.

10 “(2) INVESTMENT REQUIREMENTS.—

11 “(A) IN GENERAL.—The Secretary of the  
 12 Treasury shall invest each of the Funds in ac-  
 13 cordance with all of the requirements of this  
 14 paragraph.

15 “(B) SEPARATE INVESTMENTS OF PRIN-  
 16 CIPAL AND INTEREST.—

17 “(i) PRINCIPAL ACCOUNT.—The  
 18 amounts deposited in each Fund under  
 19 subsection (b) shall be credited to an ac-  
 20 count within the Fund (referred to in this  
 21 paragraph as the ‘principal account’) and  
 22 invested as provided in subparagraph (C).

23 “(ii) INTEREST ACCOUNT.—The inter-  
 24 est earned from investing amounts in the  
 25 principal account of each Fund shall be

transferred to a separate account within the Fund (referred to in this paragraph as the ‘interest account’) and invested as provided in subparagraph (D).

“(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

“(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

“(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

“(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible

obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

“(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

“(D) INVESTMENT OF THE INTEREST ACCOUNT.—

“(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund

1 is fully capitalized, amounts in the interest  
 2 account of the Fund shall be invested in eli-  
 3 gible obligations that are identical (except  
 4 for transferability) to publicly issued Treas-  
 5 ury obligations that have maturities that  
 6 coincide, to the greatest extent practicable,  
 7 with the date on which the Fund is expected  
 8 to be fully capitalized.

9 “(ii) AFTER FULL CAPITALIZATION.—

10 On and after the date on which each Fund  
 11 is fully capitalized, amounts in the interest  
 12 account of the Fund shall be invested and  
 13 reinvested in eligible obligations having the  
 14 shortest maturity then available until the  
 15 amounts are withdrawn and transferred to  
 16 fund the activities authorized under sub-  
 17 section (d)(3).

18 “(E) PAR PURCHASE PRICE.—The price to  
 19 be paid for eligible obligations purchased as in-  
 20 vestments of the principal account shall not ex-  
 21 ceed the par value of the obligations so that the  
 22 amount of the principal account shall be pre-  
 23 served in perpetuity.

24 “(F) HIGHEST YIELD.—Among eligible ob-  
 25 ligations having the same maturity and pur-

1 chase price, the obligation to be purchased shall  
 2 be the obligation having the highest yield.

3 “(G) HOLDING TO MATURITY.—Eligible  
 4 obligations purchased shall generally be held to  
 5 their maturities.

6 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-  
 7 TIES.—Not less frequently than once each calendar  
 8 year, the Secretary of the Treasury shall review with  
 9 the Cheyenne River Sioux Tribe and the Lower  
 10 Brule Sioux Tribe the results of the investment ac-  
 11 tivities and financial status of the Funds during the  
 12 preceding 12-month period.”.

13 **SEC. 13. LAKE TRAVERSE RESERVATION HEIRSHIP.**

14 (a) IN GENERAL.—Public Law 98–513 is amended  
 15 by striking section 5 (98 Stat. 2413) and inserting the  
 16 following:

17 **“SEC. 5. INHERITANCE OF SMALL FRACTIONAL INTERESTS.**

18 “(a) DEFINITION OF SMALL FRACTIONAL INTER-  
 19 EST.—In this section, the term ‘small fractional interest’  
 20 means an undivided trust or restricted interest in a parcel  
 21 of land within the reservation that—

22 “(1) represents less than 5 percent of the entire  
 23 undivided ownership of the parcel of land (as re-  
 24 flected in the decedent’s estate inventory as of the

1 date on which the decisionmaker enters the final de-  
 2 cision determining heirs); and

3 “(2) does not exceed the equivalent of 2½ acres  
 4 if the interest were to be expressed in terms of its  
 5 proportionate share of the total acreage of the parcel  
 6 of land of which the interest is a part.

7 “(b) INTESTATE INHERITANCE IN GENERAL.—Not-  
 8 withstanding section 3, no small fractional interest shall  
 9 pass by intestate succession under this Act or any other  
 10 provision of law except as provided in subsection (c).

11 “(c) INHERITANCE BY TRIBE.—If a person dies pos-  
 12 sessed of a small fractional interest that has not been de-  
 13 vised in accordance with subsection (d) to 1 or more eligi-  
 14 ble devisees described in that subsection, the small frac-  
 15 tional interest shall pass to the Tribe, with title to the  
 16 interest to be held by the United States in trust for the  
 17 Tribe.

18 “(d) INHERITANCE BY TESTAMENTARY DEVISE.—

19 “(1) ELIGIBLE DEVISEES.—Notwithstanding  
 20 any other provision of this Act, and subject to para-  
 21 graph (2), a small fractional interest may be devised  
 22 only to the following eligible devisees:

23 “(A) The tribe.

24 “(B) Any person who is a member, or eli-  
 25 gible to be a member, of the tribe.

1           “(2) REQUIREMENTS.—No devise of a small  
2           fractional interest shall be valid as to a devisee un-  
3           less—

4                   “(A) the devisee is eligible to receive the  
5           interest by devise under paragraph (1);

6                   “(B) the devisee is expressly identified in  
7           the devise by name; and

8                   “(C) the devise is made in a will that has  
9           been approved by the Secretary of the Interior  
10          in accordance with section 2 of the Act of June  
11          25, 1910 (36 Stat. 856, chapter 431).

12          “(3) HOLDING IN TRUST.—Any small fractional  
13          interest devised in accordance with this subsection  
14          shall pass to the devisee or devisees on the death of  
15          the testator, with title to be held by the United  
16          States in trust for the devisee or devisees.”.

17          (b) NOTICE TO LANDOWNERS; CERTIFICATION.—

18                  (1) NOTICE.—Not later than 180 days after the  
19          date of enactment of this Act, the Secretary shall  
20          provide notice of the amendment made by subsection  
21          (a) to owners of trust and restricted interests in  
22          land within the Lake Traverse Indian Reservation  
23          by—

24                          (A) posting written notice of the amend-  
25          ment at the administrative headquarters of the

1 Sisseton-Wahpeton Sioux Tribe of North Da-  
 2 kota and South Dakota and at the Agency of  
 3 the Bureau of Indian Affairs located in Agency  
 4 Village, South Dakota;

5 (B) publishing the notice not fewer than 4  
 6 times in newspapers of general circulation in all  
 7 counties in which any part of the Lake Tra-  
 8 verse Indian Reservation is located; and

9 (C) sending the notice by first class mail  
 10 to the last known addresses of Indians with in-  
 11 terests in trust or restricted land within the  
 12 Lake Traverse Indian Reservation for whom the  
 13 Secretary has such an address.

14 (2) CERTIFICATION.—After providing notice  
 15 under paragraph (1), the Secretary shall—

16 (A) certify that notice has been given in  
 17 accordance with that paragraph; and

18 (B) publish notice of the certification in  
 19 the Federal Register.

20 (c) EFFECTIVE DATE.—

21 (1) EFFECT ON INTERESTS.—The amendment  
 22 made by subsection (a) shall not affect any interest  
 23 in the estate of a person who dies before the date  
 24 that is 1 year after the date on which the Secretary



1 publishes notice of the certification under subsection  
2 (b)(2).

3 (2) EFFECT ON WILLS.—The amendment made  
4 by subsection (a) shall not affect the validity or ef-  
5 fect of any will executed before the date that is 1  
6 year after the date on which the Secretary publishes  
7 notice of the certification under subsection (b)(2).

8 **SEC. 14. AMENDMENT OF DEFINITION.**

9 Section 2(9) of Public Law 101–601 (25 U.S.C.  
10 3001(9)) is amended by inserting “or was” after “is”.

Calendar No. 751

108TH CONGRESS  
2D Session

**S. 2843**

**A BILL**

To make technical corrections to laws relating to  
Native Americans, and for other purposes.

SEPTEMBER 30, 2004

Reported with amendments