

Settlement Act of 1990 (Public Law 101-618; 104 Stat. 3293) is amended—

(1) by redesignating subsections (D), (E), (F), and (G) as subsections (F), (G), (H), and (I), respectively; and

(2) by striking subsections (B) and (C) and inserting the following:

“(B) the term ‘Fund fiscal year’ means a fiscal year of the Fund (as defined in the Fund plan);

“(C) the term ‘Fund plan’ means the plan established under section 102(F), including the original Fund plan (the ‘Plan for Investment, Management, Administration and Expenditure dated December 20, 1991’) and all amendments of the Fund plan under subsection (D) or (F)(1) of section 102;

“(D) the term ‘income’ means the total net return from the investment of the Fund, consisting of all interest, dividends, realized and unrealized gains and losses, and other earnings, less all related fees and expenses incurred for investment management, investment consulting, custodianship and transactional services or matters;

“(E) the term ‘principal’ means the total amount appropriated to the Fallon Paiute Shoshone Tribal Settlement Fund under section 102(B);”.

#### S. 1485

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

#### SECTION 1. AUTHORIZATION OF 99-YEAR LEASES.

(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 striking “Moapa Indian reservation” and inserting “Moapa Indian Reservation”;

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

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

(4) by inserting “the Muckleshoot Indian Reservation and land held in trust for the Muckleshoot Indian tribe,” after “the Cabazon Indian reservation.”;

(5) by striking “Washington,” and inserting “Washington.”;

(6) by inserting “land held in trust for the Prairie Band Potawatomi Nation,” before “land held in trust for the Cherokee Nation of Oklahoma”;

(7) by inserting “land held in trust for the Fallon Paiute Shoshone tribes,” before “land held in trust for the Pueblo of Santa Clara”; and

(8) by inserting “land held in trust for the Yurok tribe, land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria,” after “Pueblo of Santa Clara.”.

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

#### S. 1480—CERTIFICATION OF INDIAN RENTAL PROCEEDS ACT OF 2005

Mr. McCAIN. Mr. President, the Certification of Indian Rental Proceeds Act of 2005 was originally introduced as a component of the Native American Omnibus Act of 2005. I am pleased to be joined by the vice chairman of the Senate Committee on Indian Affairs, Senator BYRON DORGAN, and Senator TIM JOHNSON as original co-sponsors of this bill.

The Certification of Indian rental proceeds amends Title 25 USC Section 488 to permit actual rental proceeds from a lease to constitute the rental value of that land, and to satisfy the requirement for appraisal of that land.

#### S. 1481—INDIAN LAND PROBATE REFORM TECHNICAL CORRECTIONS ACT OF 2005

Mr. McCAIN. Mr. President, the Indian Land Probate Reform Technical Corrections Act of 2005, was originally introduced as a component of the Native American Omnibus Act of 2005. I’m pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The Indian probate reform technical corrections amendments, amends the American Indian Probate Reform Act of 2004 by correcting provisions relating to non-testamentary disposition, partition of highly fractionated Indian land, and Tribal probate codes.

#### S. 1482—GILA RIVER INDIAN COMMUNITY RESERVATION CONTRACTS ACT OF 2005

Mr. McCAIN. Mr. President, the Gila River Indian Community Reservation Contracts Act of 2005 was originally introduced as a component of the Native American Omnibus Act of 2005. I’m pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The Gila River Indian Community reservation contracts, is a technical amendment to allow binding arbitration in all contracts and not just leases on the Gila River Indian Community reservation.

#### S. 1483—DEFINITION OF INDIAN STUDENT COUNT ACT OF 2005

Mr. McCAIN. Mr. President, the Definition of Indian Student Count Act of 2005 was originally introduced as a component of the Native American Omnibus Act of 2005. I’m pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The definition of Indian student count, amends the Carl D. Perkins Vocational Act of 1998 to include the registration of Indian students in the Spring semester.

#### CONVEYING ALL RIGHT, TITLE, AND INTEREST OF THE UNITED STATES IN AND TO THE LAND DESCRIBED IN THIS ACT TO THE SECRETARY OF THE INTERIOR FOR THE PRAIRIE ISLAND INDIAN COMMUNITY IN MINNESOTA

#### AMENDING THE ACT OF JUNE 7, 1924, TO PROVIDE FOR THE EXERCISE OF CRIMINAL JURISDICTION

#### CORRECTING THE SOUTH BOUNDARY OF THE COLORADO RIVER INDIAN RESERVATION IN ARIZONA

Ms. COLLINS. I now ask unanimous consent that the Indian Affairs Committee be discharged and the Senate proceed to the en bloc consideration of H.R. 794, S. 706, and S. 279.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I ask unanimous consent that the amendment to S. 279 be

agreed to, the bills, as amended, if amended, be read a third time and passed, and the motions to reconsider be laid on the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 794) was read the third time and passed.

The bill (S. 706) was read the third time and passed, as follows:

#### S. 706

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Prairie Island Land Conveyance Act of 2005”.

#### SEC. 2. 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 in subsection (d) and to the conditions stated in subsection (f), to the Secretary of the Interior, to be—

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

(2) included in the Prairie Island Indian Community Reservation in Goodhue County, Minnesota.

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

(c) BOUNDARY SURVEY.—Not later than 5 years after the date of conveyance under subsection (a), the boundaries of the land conveyed shall be surveyed as provided in section 2115 of the Revised Statutes (25 U.S.C. 176).

#### (d) EASEMENT.—

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

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

(A) the perpetual right to overflow, flood, and submerge property as the District Engineer determines to be necessary in connection with the operation and maintenance of the Mississippi River Navigation Project; and

(B) the continuing right to clear and remove any brush, debris, or natural obstructions that, in the opinion of the District Engineer, may be detrimental to the project.

(e) OWNERSHIP OF STURGEON LAKE BED UNAFFECTED.—Nothing in this section diminishes or otherwise affects the title of the State of Minnesota to the bed of Sturgeon Lake located within the tracts of land described in subsection (b).

(f) CONDITIONS.—The conveyance under subsection (a) is subject to the conditions

that the Prairie Island Indian Community shall not—

(1) use the conveyed land for human habitation;

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

(3) conduct gaming (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land.

(g) **NO EFFECT ON ELIGIBILITY FOR CERTAIN PROJECTS.**—Notwithstanding the conveyance under subsection (a), the land shall continue to be eligible for environmental management planning and other recreational or natural resource development projects on the same basis as before the conveyance.

(h) **EFFECT OF SECTION.**—Nothing in this section diminishes or otherwise affects the rights granted to the United States pursuant to letters of July 23, 1937, and November 20, 1937, from the Secretary of the Interior to the Secretary of War and the letters of the Secretary of War in response to the Secretary of the Interior dated August 18, 1937, and November 27, 1937, under which the Secretary of the Interior granted certain rights to the Corps of Engineers to overflow the portions of Tracts A, B, and C that lie within the Mississippi River 9-Foot Channel Project boundary and as more particularly shown and depicted on the map entitled “United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights” and dated December 1936.

The amendment (No. 1591) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. INDIAN PUEBLO LAND ACT AMENDMENTS.**

The Act of June 7, 1924 (43 Stat. 636, chapter 331), is amended by adding at the end the following:

**SEC. 20. CRIMINAL JURISDICTION.**

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

“(b) **JURISDICTION OF THE PUEBLO.**—The Pueblo has jurisdiction, as an act of the Pueblos’ inherent power as an Indian tribe, over any offense committed by a member of the Pueblo or an Indian as defined in title 25, sections 1301(2) and 1301(4), or by any other Indian-owned entity.

“(c) **JURISDICTION OF THE UNITED STATES.**—The United States has jurisdiction over any offense described in chapter 53 of title 18, United States Code, committed by or against an Indian as defined in title 25, sections 1301(2) and 1301(4) or any Indian-owned entity, or that involves any Indian property or interest.

“(d) **JURISDICTION OF THE STATE OF NEW MEXICO.**—The State of New Mexico shall have jurisdiction over any offense committed by a person who is not a member of a Pueblo or an Indian as defined in title 25, sections 1301(2) and 1301(4), which offense is not subject to the jurisdiction of the United States.”.

The bill (S. 279), as amended, was read the third time and passed.

**CILDREN’S HOSPITALS EDUCATIONAL EQUITY AND RESEARCH ACT**

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 98, S. 285.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 285) to reauthorize the Children’s Hospitals Graduate Medical Education Program.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 285

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

**SECTION 1. SHORT TITLE.**

[This Act may be cited as the “Children’s Hospitals Educational Equity and Research Act” or the “CHEER Act”.

**SEC. 2. REAUTHORIZATION OF CHILDREN’S HOSPITALS GRADUATE MEDICAL EDUCATION PROGRAM.**

[(a) **EXTENSION OF PROGRAM.**—Section 340E(a) of the Public Health Service Act (42 U.S.C. 256e(a)) is amended by striking “2005” and inserting “2010”.

[(b) **DIRECT GRADUATE MEDICAL EDUCATION.**—Section 340E(c) of the Public Health Service Act (42 U.S.C. 256e(c)) is amended—

[(1) in paragraph (1)(B), by inserting “but without giving effect to section 1886(h)(7) of such Act” after “section 1886(h)(4) of the Social Security Act”; and

[(2) in paragraph (2)(E)(ii), by striking “described in subparagraph (C)(ii)” and inserting “applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during the preceding fiscal year”.

[(c) **NATURE OF PAYMENTS.**—Section 340E(e)(3) of the Public Health Service Act (42 U.S.C. 256e(e)(3)) is amended by striking “made to pay” and inserting “made and pay”.

[(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

[(1) in paragraph (1)(A)—

[(A) in clause (ii), by striking “and”; (B) in clause (iii), by striking the period and inserting a semicolon; and

[(C) by adding at the end the following:

[(iv) for fiscal year 2006, \$110,000,000; and [(v) for each of fiscal years 2007 through 2010, such sums as may be necessary.”; and

[(2) in paragraph (2)—

[(A) in the matter preceding subparagraph (A)—

[(i) by striking “There are hereby authorized” and inserting “There are authorized”; and

[(ii) by striking “(b)(1)(A)” and inserting “(b)(1)(B)”;

[(B) in subparagraph (B), by striking “and”; (C) in subparagraph (C), by striking the period and inserting a semicolon; and

[(D) by adding at the end the following:

[(D) for fiscal year 2006, \$220,000,000; and [(E) for each of fiscal years 2007 through 2010, such sums as may be necessary.”.

[(e) **TECHNICAL AMENDMENT.**—Section 340E(e)(2) of the Public Health Service Act (42 U.S.C. 256e(e)(2)) is amended by striking the first sentence.

**SEC. 3. SENSE OF THE SENATE.**

It is the sense of the Senate that perinatal hospitals play an important role in providing quality care and ensuring the best possible outcomes for thousands of seriously ill newborns each year, and that medical

training programs at perinatal hospitals give providers essential training in treating healthy mothers and babies as well as patients in neonatal intensive care units.]

**SECTION 1. SHORT TITLE.**

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[(1) in paragraph (1)(B), by inserting “but without giving effect to section 1886(h)(7) of such Act” after “section 1886(h)(4) of the Social Security Act”; and

[(2) in paragraph (2)(E)(ii), by striking “described in subparagraph (C)(ii)” and inserting “applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during the preceding fiscal year”.

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[(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

[(1) in paragraph (1)(A)—

[(A) in clause (ii), by striking “and”; (B) in clause (iii), by striking the period and inserting a semicolon; and

[(C) by adding at the end the following:

[(iv) for fiscal year 2006, \$110,000,000; and

[(v) for each of fiscal years 2007 through 2010, such sums as may be necessary.”; and

[(2) in paragraph (2)—

[(A) in the matter preceding subparagraph (A)—

[(i) by striking “There are hereby authorized” and inserting “There are authorized”; and

[(ii) by striking “(b)(1)(A)” and inserting “(b)(1)(B)”;

[(B) in subparagraph (B), by striking “and”; (C) in subparagraph (C), by striking the period and inserting a semicolon; and

[(D) by adding at the end the following:

[(D) for fiscal year 2006, \$220,000,000; and

[(E) for each of fiscal years 2007 through 2010, such sums as may be necessary.”.

[(e) **TECHNICAL AMENDMENT.**—Section 340E(e)(2) of the Public Health Service Act (42 U.S.C. 256e(e)(2)) is amended by striking the first sentence.

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It is the sense of the Senate that perinatal hospitals play an important role in providing quality care and ensuring the best possible outcomes for thousands of seriously ill newborns each year, and that medical training programs at perinatal hospitals give providers essential training in treating healthy mothers and babies as well as patients in neonatal intensive care units.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 285), as amended, was read the third time and passed.