

103^D CONGRESS
2^D SESSION

H. R. 4709

IN THE SENATE OF THE UNITED STATES

AUGUST 17 (legislative day, AUGUST 11), 1994

Received; read twice and referred to the Committee on Indian Affairs

AN ACT

To make certain technical corrections, 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. LEASING AUTHORITY OF THE INDIAN PUEBLO**
4 **FEDERAL DEVELOPMENT CORPORATION.**

5 Notwithstanding the provisions of section 17 of the
6 Act of June 18, 1934 (25 U.S.C. 477), the Indian Pueblo
7 Federal Development Corporation, whose charter was is-
8 sued pursuant to such section by the Secretary of the Inte-
9 rior on January 15, 1993, shall have the authority to lease
10 or sublease trust or restricted Indian lands for up to 50
11 years.

1 **SEC. 2. GRAND RONDE RESERVATION ACT.**

2 (a) LANDS DESCRIBED.—Section 1 of the Act enti-
 3 tled “An Act to establish a reservation for the Confed-
 4 erated Tribes of the Grand Ronde Community of Oregon,
 5 and for other purposes”, approved September 9, 1988
 6 (102 Stat. 1594), is amended—

7 (1) in subsection (c)—

8 (A) by striking “9,879.65” and inserting
 9 “10,120.68”; and

10 (B) by striking all after

“6 8 1 SW¹/₄SW¹/₄,W¹/₂SE¹/₄SW¹/₄ 53.78”

11 and inserting in lieu thereof the following:

| | | | | |
|-------------|---|----|---|--------------|
| “6 | 8 | 1 | S ¹ / ₂ E ¹ / ₂ SE ¹ / ₄ SW ¹ / ₄ | 10.03 |
| 6 | 7 | 8 | Tax lot 800 | 5.55 |
| 4 | 7 | 30 | Lots 3, 4, SW ¹ / ₄ NE ¹ / ₄ , SE ¹ / ₄ NW ¹ / ₄ ,E ¹ / ₂ SW ¹ / ₄ | 240 |
| Total | | | | 10,120.68.”; |

12 and

13 (2) by adding at the end the following:

14 “(d) CLAIMS EXTINGUISHED; LIABILITY.—

15 “(1) CLAIMS EXTINGUISHED.—All claims to
 16 lands within the State of Oregon based upon recog-
 17 nized title to the Grand Ronde Indian Reservation
 18 established by the Executive order of June 30, 1857,
 19 pursuant to treaties with the Kalapuya, Molalla, and
 20 other tribes, or any part thereof by the Confederated

1 Tribes of the Grand Ronde Community of Oregon,
2 or any predecessor or successor in interest, are here-
3 by extinguished, and any transfers pursuant to the
4 Act of April 28, 1904 (Chap. 1820; 33 Stat. 567)
5 or other statute of the United States, by, from, or
6 on behalf of the Confederated Tribes of the Grand
7 Ronde Community of Oregon, or any predecessor or
8 successor interest, shall be deemed to have been
9 made in accordance with the Constitution and all
10 laws of the United States that are specifically appli-
11 cable to transfers of lands or natural resources from,
12 by, or on behalf of any Indian, Indian nation, or
13 tribe of Indians (including, but not limited to, the
14 Trade and Intercourse Act of 1790 (Act of July 22,
15 1790; 25 U.S.C. 177, ch. 33, sec. 4; 1 Stat. 137)).

16 “(2) LIABILITY.—The Tribe shall assume re-
17 sponsibility for lost revenues, if any, to any county
18 because of the transfer of revested Oregon and Cali-
19 fornia Railroad grant lands in section 30, Township
20 4 South, Range 7 West.”.

21 (b) CIVIL AND CRIMINAL JURISDICTION.—Section 3
22 of such Act (102 Stat. 1595) is amended by adding at
23 the end the following: “Such exercise shall not affect the
24 Tribe’s concurrent jurisdiction over such matters.”.

1 **SEC. 3. CONFEDERATED TRIBES OF THE SILETZ INDIANS**
2 **OF OREGON.**

3 Section 2 of the Act of September 4, 1980 (Public
4 Law 96–340; 94 Stat. 1072) is amended—

5 (1) by inserting “(a)” after “SEC. 2.”; and

6 (2) by adding at the end the following:

7 “(b)(1) The Secretary of the Interior, acting at the
8 request of the Confederated Tribes of the Siletz Indians
9 of Oregon, shall accept (subject to all valid rights-of-way
10 and easements existing on the date of such request) any
11 appropriate warranty deed conveying to the United States
12 in trust for the Confederated Tribes of Siletz Indians of
13 Oregon, contingent upon payment of all accrued and un-
14 paid taxes, the following parcels of land located in Lincoln
15 County, State of Oregon:

16 “(A) In Township 10 South, Range 8 West,
17 Willamette Meridian—

18 “(i) a tract of land in the northwest and
19 the northeast quarters of section 7 consisting of
20 208.50 acres, more or less, conveyed to the
21 Tribe by warranty deed from John J. Jantzi
22 and Erma M. Jantzi on March 30, 1990; and

23 “(ii) 3 tracts of land in section 7 consist-
24 ing of 18.07 acres, more or less, conveyed to
25 the Tribe by warranty deed from John J.
26 Jantzi and Erma M. Jantzi on March 30, 1990.

1 “(B) In Township 10 South, Range 10 West,
2 Willamette Meridian—

3 “(i) a tract of land in section 4, including
4 a portion of United States Government Lot 31
5 lying west and south of the Siletz River, con-
6 sisting of 15.29 acres, more or less, conveyed to
7 the Tribe by warranty deed from Patrick J.
8 Collson and Patricia Ann Collson on February
9 27, 1991;

10 “(ii) a tract of land in section 9, located in
11 Tract 60, consisting of 4.00 acres, more or less,
12 conveyed to the Tribe by contract of sale from
13 Gladys M. Faulkner on December 9, 1987;

14 “(iii) a tract of land in section 9, including
15 portions of the north one-half of United States
16 Government Lot 15, consisting of 7.34 acres,
17 more or less, conveyed to the Tribe by contract
18 of sale from Clayton E. Hursh and Anna L.
19 Hursh on December 9, 1987;

20 “(iv) a tract of land in section 9, including
21 a portion of the north one-half of Government
22 Lot 16, consisting of 5.62 acres, more or less,
23 conveyed to the Tribe by warranty deed from
24 Steve Jebert and Elizabeth Jebert on December
25 1, 1987;

1 “(v) a tract of land in the southwest quar-
2 ter of the northwest quarter of section 9, con-
3 sisting of 3.45 acres, more or less, conveyed to
4 the Tribe by warranty deed from Eugenie
5 Nashif on July 11, 1988; and

6 “(vi) a tract of land in section 10, includ-
7 ing United States Government Lot 8 and por-
8 tions of United States Government Lot 7, con-
9 sisting of 29.93 acres, more or less, conveyed to
10 the Tribe by warranty deed from Doyle Grooms
11 on August 6, 1992.

12 “(C) In the northwest quarter of section 2 and
13 the northeast quarter of section 3, Township 7
14 South, Range 11 West, Willamette Meridian, a tract
15 of land comprising Lots 58, 59, 63, and 64, Lincoln
16 Shore Star Resort, Lincoln City, Oregon.

17 “(2) The parcels of land described in paragraph (1),
18 together with the following tracts of lands which have been
19 conveyed to the United States in trust for the Confed-
20 erated Tribes of Siletz Indians of Oregon—

21 “(A) a tract of land in section 3, Township 10
22 South, Range 10 West, Willamette Meridian, includ-
23 ing portions of United States Government Lots 25,
24 26, 27, and 28, consisting of 49.35 acres, more or
25 less, conveyed by the Siletz Tribe to the United

1 States in trust for the Tribe on March 15, 1986;
2 and

3 “(B) a tract of land in section 9, Township 10
4 South, Range 10 West, Willamette Meridian, includ-
5 ing United States Government Lot 33, consisting of
6 2.27 acres, more or less, conveyed by warranty deed
7 to the United States in trust for the Confederated
8 Tribes of Siletz Indians of Oregon from Harold D.
9 Alldridge and Sylvia C. Alldridge on June 30, 1981;
10 shall be subject to the limitations and provisions of sec-
11 tions 3, 4, and 5 of this Act and shall be deemed to be
12 a restoration of land pursuant to section 7 of the Siletz
13 Indian Tribe Restoration Act (91 Stat. 1415; 25 U.S.C.
14 711(e)).

15 “(3) Notwithstanding any other provision of law, the
16 United States should not incur any liability for conditions
17 on any parcels of land taken into trust under this section.

18 “(4) As soon as practicable after the transfer of the
19 parcels provided in paragraphs (1) and (2), the Secretary
20 of the Interior shall convey such parcels and publish a de-
21 scription of such lands in the Federal Register.”.

22 **SEC. 4. TRANSFER OF PARCEL BY YSLETA DEL SUR**
23 **PUEBLO.**

24 (a) RATIFICATION.—The transfer of the land de-
25 scribed in subsection (b), together with fixtures thereon,

1 on July 12, 1991, by the Ysleta Del Sur Pueblo is hereby
2 ratified and shall be deemed to have been made in accord-
3 ance with the Constitution and all laws of the United
4 States that are specifically applicable to transfers of land
5 from, by, or on behalf of any Indian, Indian nation, or
6 tribe or band of Indians (including section 2116 of the
7 Revised Statutes (25 U.S.C. 177)) as if Congress had
8 given its consent prior to the transfer.

9 (b) LANDS DESCRIBED.—The lands referred to in
10 subsection (a) are more particularly described as follows:

11 Tract 1–B–1 (1.9251 acres) and Tract 1–B–2–A
12 (0.0748 acres), Block 2 San Elizario, El Paso Coun-
13 ty, Texas.

14 **SEC. 5. AUTHORIZATION FOR 99-YEAR LEASES.**

15 The second sentence of subsection (a) of the first sec-
16 tion of the Act of August 9, 1955 (25 U.S.C. 415(a)),
17 is amended by inserting “the Viejas Indian Reservation,”
18 after “Soboba Indian Reservation,”.

19 **SEC. 6. WIND RIVER INDIAN IRRIGATION PROJECT.**

20 Funds appropriated for construction of the Wind
21 River Indian Irrigation Project in fiscal year 1990 (Public
22 Law 101–121), fiscal year 1991 (Public Law 101–512),
23 and fiscal year 1992 (Public Law 102–154) shall be made
24 available on a nonreimbursable basis.

1 **SEC. 7. REIMBURSEMENT OF COSTS INCURRED BY GILA**
2 **RIVER INDIAN COMMUNITY FOR CERTAIN**
3 **RECLAMATION CONSTRUCTION.**

4 The Secretary of the Interior is authorized to pay
5 \$1,842,205 to the Gila River Indian Community as reim-
6 bursement for the costs incurred by the Gila River Indian
7 Community for construction allocated to irrigation on the
8 Sacaton Ranch that would have been nonreimbursable if
9 such construction had been performed by the Bureau of
10 Reclamation under section 402 of the Colorado River
11 Basin Project Act (43 U.S.C. 1542).

12 **SEC. 8. RECONVEYANCE OF CERTAIN EXCESS LANDS.**

13 (a) IN GENERAL.—The Congress finds that the Sac
14 and Fox Nation of Oklahoma has determined the lands
15 described in subsection (b) to be excess to their needs and
16 should be returned to the original Indian grantors or their
17 heirs. The Secretary of the Interior is authorized to accept
18 transfer of title from the Sac and Fox Nation of Oklahoma
19 of its interest in the lands described in subsection (b).

20 (b) PERSONS AND LANDS.—The lands and individ-
21 uals referred to in subsection (a) are as follows:

22 (1) To the United States of America in trust
23 for Sadie Davis, now Tyner, or her heirs or devisees,
24 the Surface and Surface Rights only in and to the
25 SE¹/₄SE¹/₄SE¹/₄SE¹/₄ of Section 28, Township 17
26 North, Range 6 East of the Indian Meridian, Lin-

1 coln County, Oklahoma, containing 2.50 acres, more
2 or less.

3 (2) To the United States of America in trust
4 for Mabel Wakole, or her heirs or devisees, the Sur-
5 face and Surface Rights only in and to the
6 NE¹/₄NE¹/₄ of Lot 6 of NW¹/₄ of Section 14, Town-
7 ship 11 North, Range 4 East of the Indian Merid-
8 ian, Pottawatomie County, Oklahoma, containing
9 2.50 acres, more or less.

10 **SEC. 9. TITLE I OF THE ACT OF JANUARY 12, 1983, PERTAIN-**
11 **ING TO THE DEVILS LAKE SIOUX TRIBE.**

12 Paragraph (1) of section 108(a) of title I of the Act
13 of January 12, 1983 (96 Stat. 2515) is amended by strik-
14 ing out “of the date of death of the decedent” and insert-
15 ing in lieu thereof “after the date on which the Secretary’s
16 determination of the heirs of the decedent becomes final”.

17 **SEC. 10. NORTHERN CHEYENNE LAND TRANSFER.**

18 (a) IN GENERAL.—Notwithstanding any contrary
19 provision of law, the Secretary of the Interior or his au-
20 thorized representative (“Secretary”) is hereby authorized
21 and directed to transfer by deed to Lame Deer High
22 School District No. 6, Rosebud County, Montana (“School
23 District”), all right, title, and interest of the United States
24 and the Northern Cheyenne Tribe (“Tribe”) in and to the
25 lands described below (“Subject Lands”), to be held and

1 used by the School District for the exclusive purpose of
2 constructing and operating thereon a public high school
3 and related facilities. The Subject Lands consist of a tract
4 of approximately 40 acres within the Northern Cheyenne
5 Indian Reservation, more particularly described as follows:

6 A tract of land located in the $W\frac{1}{2}$ $SE\frac{1}{4}$ and the
7 $E\frac{1}{2}$ $SW\frac{1}{4}$ of Section 10, Township 3 South, Range
8 41 East, M.P.M., described as follows: Beginning at
9 the south $\frac{1}{4}$ corner of said Section 10, thence south
10 89 degrees 56 minutes west 393.31 feet on and
11 along the south line of said Section 10 to the true
12 point of beginning, thence south 89 degrees 56 min-
13 utes west 500.0 feet on and along said Section line,
14 thence north 00 degrees 00 minutes east, 575.0 feet,
15 thence north 54 degrees 9 minutes 22 seconds east
16 2382.26 feet, thence south 23 degrees 44 minutes
17 21 seconds east 622.56 feet, thence south 51 de-
18 grees 14 minutes 40 seconds west 2177.19 feet to
19 the true point of beginning, containing in all 40.0
20 acres, more or less.

21 (b) DEED AND LEASE.—(1) The deed issued under
22 this section shall provide that—

23 (A) title to all coal and other minerals, includ-
24 ing oil, gas, and other natural deposits, within the
25 Subject Lands shall remain in the Secretary in trust

1 for the Tribe, as provided in the Act of July 24,
2 1968 (82 Stat. 424);

3 (B) the Subject Lands may be used for the pur-
4 pose of constructing and operating a public high
5 school and related facilities thereon, and for no other
6 purpose;

7 (C) title to the Subject Lands, free and clear of
8 all liens and encumbrances, shall automatically re-
9 vert to the Secretary in trust for the Tribe, and the
10 deed shall be of no further force or effect, if, within
11 eight years of the date of the deed, classes have not
12 commenced in a permanent public high school facil-
13 ity established on the Subject Lands, or if such
14 classes commence at the facility within such eight-
15 year period, but the facility subsequently perma-
16 nently ceases operating as a public high school; and

17 (D) at any time after the conclusion of the cur-
18 rent litigation (including all trial and, if any, appel-
19 late proceedings) challenging the November 9, 1993,
20 decision of the Superintendent of Public Instruction
21 for the State of Montana granting the petition to
22 create the School District, and with the prior ap-
23 proval of the Superintendent of Public Instruction
24 (“Superintendent’s Approval”), the Tribe shall have
25 the right to replace the deed with a lease covering

1 the Subject Lands issued under the Act of August
2 9, 1955, as amended (25 U.S.C. 415(a)) having a
3 term of 25 years, with a right to renew for an addi-
4 tional 25 years.

5 (2) Under the lease referred to in paragraph (1)(D),
6 the Subject Lands shall be leased rent free to the School
7 District for the exclusive purpose of constructing and op-
8 erating a public high school and related facilities thereon.
9 The lease shall terminate if, within eight years of the date
10 of the deed, classes have not commenced in a permanent
11 public high school facility established on the Subject
12 Lands, or if such classes commence at the facility within
13 such eight-year period, but the facility subsequently per-
14 manently ceases operating as a public high school. In the
15 event the Tribe seeks and obtains the Superintendent's
16 Approval, it may tender a lease, signed by the Tribe and
17 approved by the Secretary, which complies with the provi-
18 sions of this subsection. Upon such tender, the deed shall
19 be of no further force or effect, and, subject to the lease-
20 hold interest offered to the School District, title to the
21 Subject Lands, free and clear of all liens and encum-
22 brances, shall automatically revert to the Secretary in
23 trust for the Tribe. The Tribe may at any time irrevocably
24 relinquish the right provided to it under this subsection

1 by resolution of the Northern Cheyenne Tribal Council ex-
2 plicitly so providing.

3 (c) EFFECT OF ACCEPTANCE OF DEED.—Upon the
4 School District’s acceptance of a deed delivered under this
5 section, the School District, and any party who may subse-
6 quently acquire any right, title, or interest of any kind
7 whatsoever in or to the Subject Lands by or through the
8 School District, shall be subject to, be bound by, and com-
9 ply with all terms and conditions set forth in subpara-
10 graphs (A) through (D) of subsection (b)(1).

11 **SEC. 11. INDIAN AGRICULTURE AMENDMENT.**

12 (a) LEASING OF INDIAN AGRICULTURAL LANDS.—
13 Section 105 of the American Indian Agriculture Resource
14 Management Act (25 U.S.C. 3701 et seq.) is amended—

15 (1) in subsection (b)—

16 (A) by striking “and” at the end of para-
17 graph (3);

18 (B) by striking the period at the end of
19 paragraph (4) and inserting “; and”; and

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

21 “(5) shall approve leases and permits of tribally
22 owned agricultural lands at rates determined by the
23 tribal governing body.”; and

24 (2) in subsection (c), by amending paragraph
25 (1) to read as follows: “(1) Nothing in this section

1 shall be construed as limiting or altering the author-
2 ity or right of an individual allottee or Indian tribe
3 in the legal or beneficial use of his, her, or its own
4 land or to enter into an agricultural lease of the sur-
5 face interest of his, her, or its allotment or land
6 under any other provision of law.”.

7 (b) TRIBAL IMMUNITY.—The American Indian Agri-
8 culture Resource Management Act (25 U.S.C. 3701 et
9 seq.) is amended by adding at the end the following:

10 **“SEC. 306. TRIBAL IMMUNITY.**

11 “Nothing in this Act shall be construed to affect,
12 modify, diminish, or otherwise impair the sovereign immu-
13 nity from suit enjoyed by Indian tribes.”.

14 **SEC. 12. INDIAN HEALTH AMENDMENT.**

15 Section 4(n) of the Indian Health Care Improvement
16 Act (25 U.S.C. 1603(n)) is amended to read as follows:

17 “(n) ‘Health profession’ means allopathic medicine,
18 family medicine, internal medicine, pediatrics, geriatric
19 medicine, obstetrics and gynecology, podiatric medicine,
20 nursing, public health nursing, dentistry, psychiatry, oste-
21 opathy, optometry, pharmacy, psychology, public health,
22 social work, marriage and family therapy, chiropractic
23 medicine, environmental health and engineering, allied
24 health professions, and other health professions.”.

1 **SEC. 13. SAN CARLOS APACHE WATER RIGHTS SETTLE-**
2 **MENT ACT OF 1992.**

3 Section 3711(b)(1) of title XXXVII of the San Carlos
4 Apache Tribe Water Rights Settlement Act of 1992 (106
5 Stat. 4752) is amended by striking out “December 31,
6 1994” and inserting in lieu thereof “December 31, 1995”.

7 **SEC. 14. RELATIONSHIP BETWEEN BUY INDIAN ACT AND**
8 **MENTOR-PROTEGE PROGRAM.**

9 Section 23 of the Act of June 25, 1910 (36 Stat.
10 861; 25 U.S.C. 47; commonly referred to as the “Buy In-
11 dian Act”), is amended by adding at the end the following:
12 “Participation in the Mentor-Protege Program established
13 under section 831 of Public Law 101–510 or receipt of
14 assistance pursuant to any developmental assistance
15 agreement authorized under such program does not render
16 Indian labor or Indian industry ineligible to receive any
17 assistance authorized under this proviso. For the purposes
18 of this proviso, (i) no determination of affiliation or con-
19 trol (either direct or indirect) may be found between a pro-
20 tege firm and its mentor firm on the basis that the mentor
21 firm has agreed to furnish (or has furnished) to its protege
22 firm pursuant to a mentor-protege agreement any form
23 of developmental assistance described in subsection (f) of
24 such section, and (ii) the terms ‘protege firm’ and ‘mentor
25 firm’ have the meaning given such terms in subsection (c)
26 of such section 831.”.

1 **SEC. 15. ACQUISITION OF LANDS ON WIND RIVER RESERVA-**
2 **TION.**

3 (a) **AUTHORITY TO HOLD LANDS IN TRUST FOR THE**
4 **INDIVIDUAL TRIBE.**—The Secretary of the Interior is
5 hereby authorized to acquire individually in the name of
6 the United States in trust for the benefit of the Eastern
7 Shoshone Tribe of the Wind River Reservation or the
8 Northern Arapaho Tribe of the Wind River Reservation,
9 as appropriate, lands or other rights when the individual
10 assets of only one of the tribes is used to acquire such
11 lands or other rights.

12 (b) **LANDS REMAIN PART OF JOINT RESERVATION**
13 **SUBJECT TO EXCLUSIVE TRIBAL CONTROL.**—Any lands
14 acquired under subsection (a) within the exterior bound-
15 aries of the Wind River Reservation shall remain a part
16 of the Reservation and subject to the joint tribal laws of
17 the Reservation, except that the lands so acquired shall
18 be subject to the exclusive use and control of the tribe
19 for which such lands were acquired.

20 (c) **INCOME.**—The income from lands acquired under
21 subsection (a) shall be credited to the Tribe for which such
22 lands were acquired.

23 (d) **SAVINGS PROVISION.**—Nothing in this section
24 shall be construed to prevent the joint acquisition of lands
25 for the benefit of the Eastern Shoshone Tribe of the Wind

- 1 River Reservation and the Northern Arapaho Tribe of the
- 2 Wind River Reservation.

Passed the House of Representatives August 16,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.