

103^D CONGRESS
2^D SESSION

H. R. 4709

To make certain technical corrections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1994

Mr. RICHARDSON (for himself and Mr. THOMAS of Wyoming) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

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 “9,811.32” and inserting
 9 “10,239.65”; and

10 (B) by striking all after “5 8 17 All
 11 5.55” and inserting in lieu thereof the follow-
 12 ing:

| | | | | |
|----|---|----|--|--------------|
| “6 | 8 | 1 | SW ¹ / ₄ SW ¹ / ₄ ,W ¹ / ₂ SE ¹ / ₄ SW ¹ / ₄ | 53.78 |
| 6 | 8 | 1 | S ¹ / ₂ E ¹ / ₂ ,SE ¹ / ₄ SW ¹ / ₄ | 9.00 |
| 6 | 7 | 8 | Tax lot 800 | 5.55 |
| 4 | 7 | 30 | W ¹ / ₂ | 320.0 |
| 4 | 7 | 30 | SW ¹ / ₄ NE ¹ / ₄ | 40.0 |
| | | | | 10,239.65.”; |

13 and

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

15 “(d) CLAIMS EXTINGUISHED; LIABILITY.—

16 “(1) CLAIMS EXTINGUISHED.—All claims to
 17 lands within the State or Oregon based upon recog-
 18 nized title to the Grand Ronde Indian Reservation
 19 established by the Executive order of June 30, 1857,
 20 pursuant to treaties with the Kalapuya, Molalla, and
 21 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 United States and the
17 Tribe shall share equally liability for lost revenues,
18 if any, to any county because of the transfer of
19 revested Oregon and California Railroad grant lands
20 in section 30, Township 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 liens, rights-
10 of-way, licenses, leases, permits, and easements existing
11 on the date of such request) any deed or other instrument
12 conveying to the United States in trust for the Confed-
13 erated Tribes of Siletz Indians of Oregon the following
14 parcels of land located in Lincoln County, State of Oregon:

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

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

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

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; and

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 Allridge and Sylvia C. Allridge on June 30, 1981;
10 shall be subject to the limitations and provisions of sec-
11 tions 3, 4, and 5 of this Act.

12 “(3) As soon as practicable after the transfer of the
13 parcels provided in paragraphs (1) and (2), the Secretary
14 of the Interior shall convey such parcels and publish a de-
15 scription of such lands in the Federal Register.”.

16 **SEC. 4. TRANSFER OF PARCEL BY YSLETA DEL SUR**
17 **PUEBLO.**

18 (a) RATIFICATION.—The transfer of the land de-
19 scribed in subsection (b), together with fixtures thereon,
20 on July 12, 1991, by the Ysleta Del Sur Pueblo is hereby
21 ratified and shall be deemed to have been made in accord-
22 ance with the Constitution and all laws of the United
23 States that are specifically applicable to transfers of land
24 from, by, or on behalf of any Indian, Indian nation, or
25 tribe or band of Indians (including section 2116 of the

1 Revised Statutes (25 U.S.C. 177)) as if Congress had
2 given its consent prior to the transfer.

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

5 Tract 1-B-1 (1.9251 acres) and Tract 1-B-2-A
6 (0.0748 acres), Block 2 San Elizario, El Paso Coun-
7 ty, Texas.

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

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

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

14 Funds appropriated for construction of the Wind
15 River Indian Irrigation Project in fiscal year 1990 (Public
16 Law 101-121), fiscal year 1991 (Public Law 101-512),
17 fiscal year 1992 (Public Law 102-154), and hereafter
18 shall be made available on a nonreimbursable basis.

19 **SEC. 7. REIMBURSEMENT OF COSTS INCURRED BY GILA**
20 **RIVER FARMS FOR CERTAIN RECLAMATION**
21 **CONSTRUCTION.**

22 The Secretary of the Interior is authorized to pay
23 \$1,842,205 to the Gila River Farms as reimbursement for
24 the costs incurred by the Gila River Farms for construc-
25 tion allocated to irrigation on the Sacaton Ranch that

1 would have been nonreimbursable if such construction had
2 been performed by the Bureau of Reclamation under sec-
3 tion 402 of the Colorado River Basin Project Act (43
4 U.S.C. 1542).

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

6 (a) IN GENERAL.—The Congress finds that the Sac
7 and Fox Nation of Oklahoma has determined the lands
8 described in subsection (b) to be excess to their needs and
9 should be returned to the original grantors or their heirs.
10 The Secretary of the Interior shall convey, without consid-
11 eration, to the persons as specified in subsection (b), all
12 right, title, and interest of the United States in and to
13 the lands described in subsection (b).

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

16 (1) To Sadie Davis, now Tyner, or her heirs or
17 devisees, the lands in Lincoln County, Oklahoma, de-
18 scribed as the SE¹/₄SE¹/₄SE¹/₄SE¹/₄ of Section 28,
19 Township 17 North of Range 6 East, containing two
20 and one half acres, more or less.

21 (2) To Mabel Wakole, or her heirs, the lands in
22 Pottawatomie County, Oklahoma, described as the
23 NE¹/₄NE¹/₄ of Lot 6 of NW¹/₄ of Section 14, Town-
24 ship 11 North, Range 4 East, containing 2.50 acres.

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

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

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

9 (a) IN GENERAL.—Notwithstanding any contrary
10 provision of law, the Secretary of the Interior or his au-
11 thorized representative (“Secretary”) is hereby authorized
12 and directed to transfer by patent to Lame Deer High
13 School District No. 6, Rosebud County, Montana (“School
14 District”), all right, title, and interest of the United States
15 and the Northern Cheyenne Tribe (“Tribe”) in and to the
16 lands described below (“Subject Lands”), to be held and
17 used by the School District for the exclusive purpose of
18 constructing and operating thereon a public high school
19 and related facilities. The Subject Lands consist of a tract
20 of approximately 40 acres within the Northern Cheyenne
21 Indian Reservation, more particularly described as follows:

22 A tract of land located in the $W^{1/2}$ $SE^{1/4}$ and the
23 $E^{1/2}$ $SW^{1/4}$ of Section 10, Township 3 South, Range
24 41 East, M.P.M., described as follows: Beginning at
25 the south $1/4$ corner of said Section 10, thence south
26 89 degrees 56 minutes west 393.31 feet on and

1 along the south line of said Section 10 to the true
2 point of beginning, thence south 89 degrees 56 min-
3 utes west 500.0 feet on and along said Section line,
4 thence north 00 degrees 00 minutes east, 575.0 feet,
5 thence north 54 degrees 9 minutes 22 seconds east
6 2382.26 feet, thence south 23 degrees 44 minutes
7 21 seconds east 622.56 feet, thence south 51 de-
8 grees 14 minutes 40 seconds west 2177.19 feet to
9 the true point of beginning, containing in all 40.0
10 acres, more or less.

11 (b) PATENT AND LEASE.—The patent issued under
12 this section shall provide that—

13 (1) title to all coal and other minerals, includ-
14 ing oil, gas, and other natural deposits, within the
15 Subject Lands shall remain in the Secretary in trust
16 for the Tribe, as provided in the Act of July 24,
17 1968 (82 Stat. 424);

18 (2) the Subject Lands may be used for the pur-
19 pose of constructing and operating a public high
20 school and related facilities thereon, and for no other
21 purpose;

22 (3) title to the Subject Lands, free and clear of
23 all liens and encumbrances, shall automatically re-
24 vert to the Secretary in trust for the Tribe, and the
25 patent shall be of no further force or effect, if, with-

1 in eight years of the date of the patent, classes have
2 not commenced in a permanent public high school
3 facility established on the Subject Lands, or if such
4 classes commence at the facility within such eight-
5 year period, but the facility subsequently perma-
6 nently ceases operating as a public high school; and

7 (4) at any time after the conclusion of the cur-
8 rent litigation (including all trial and, if any, appel-
9 late proceedings) challenging the November 9, 1993,
10 decision of the Superintendent of Public Instruction
11 for the State of Montana granting the petition to
12 create the School District, and with the prior ap-
13 proval of the Superintendent of Public Instruction
14 (“Superintendent’s Approval”), the Tribe shall have
15 the right to replace the patent with a lease covering
16 the Subject Lands issued under the Act of August
17 9, 1955, as amended (25 U.S.C. 415(a)) having a
18 term of 25 years, with a right to renew for an addi-
19 tional 25 years.

20 Under such lease, the Subject Lands shall be leased rent
21 free to the School District for the exclusive purpose of con-
22 structing and operating a public high school and related
23 facilities thereon. The lease shall terminate if, within eight
24 years of the date of the patent, classes have not com-
25 menced in a permanent public high school facility estab-

1 lished on the Subject Lands, or if such classes commence
2 at the facility within such eight-year period, but the facil-
3 ity subsequently permanently ceases operating as a public
4 high school. In the event the Tribe seeks and obtains the
5 Superintendent's Approval, it may tender a lease, signed
6 by the Tribe and approved by the Secretary, which com-
7 plies with the provisions of this subsection. Upon such ten-
8 der, the patent shall be of no further force or effect, and,
9 subject to the leasehold interest offered to the School Dis-
10 trict, title to the Subject Lands, free and clear of all liens
11 and encumbrances, shall automatically revert to the Sec-
12 retary in trust for the Tribe. The Tribe may at any time
13 irrevocably relinquish the right provided to it under this
14 subsection by resolution of the Northern Cheyenne Tribal
15 Council explicitly so providing.

16 (c) EFFECT OF ACCEPTANCE OF PATENT.—Upon the
17 School District's acceptance of a patent delivered under
18 this section, the School District, and any party who may
19 subsequently acquire any right, title, or interest of any
20 kind whatsoever in or to the Subject Lands by or through
21 the School District, shall be subject to, be bound by, and
22 comply with all terms and conditions set forth in para-
23 graphs (1) through (4) of subsection (b).

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

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

5 (1) in subsection (b)—

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

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

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

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

14 (2) in subsection (c), by amending paragraph
15 (1) to read as follows: “(1) Nothing in this section
16 shall be construed as limiting or altering the author-
17 ity or right of an individual allottee or Indian tribe
18 in the legal or beneficial use of his, her, or its own
19 land or to enter into an agricultural lease of the sur-
20 face interest of his, her, or its allotment or land
21 under any other provision of law.”.

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

1 **“SEC. 306. TRIBAL IMMUNITY.**

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

5 **SEC. 12. INDIAN HEALTH AMENDMENT.**

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

8 “(n) ‘Health profession’ means allopathic medicine,
9 family medicine, internal medicine, pediatrics, geriatric
10 medicine, obstetrics and gynecology, psychiatry, osteop-
11 athy, optometry, pharmacy, psychology, public health, so-
12 cial work, marriage and family therapy, chiropractic medi-
13 cine, environmental health and engineering, allied health
14 professions, and other health professions.”.

○

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