

108TH CONGRESS
2D SESSION

S. 2843

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

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

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”.

6 **SEC. 2. DEFINITION OF SECRETARY.**

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

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

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

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

18 **“SEC. 4. APPROPRIATIONS.**

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

22 “(b) FUND.—All income received by the Board from
23 any source shall be deposited in a special fund, which shall
24 be available to be expended by the Board, without further
25 appropriation, to carry out this Act.

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

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

10 **“SEC. 5. REFERRAL FOR CRIMINAL AND CIVIL PRO-**
11 **CEEDINGS.**

12 “(a) CRIMINAL PROCEEDINGS.—

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

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

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

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

24 “(b) CIVIL PROCEEDINGS.—

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

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

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

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

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

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

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

20 “(a) DEFINITIONS.—In this section:

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

22 “(A) an individual who is a member of an
23 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-

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

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

5 Section 17 of the Act of June 18, 1936 (25 U.S.C.
6 477) (commonly known as the “Indian Reorganization
7 Act”) is amended in the second sentence by striking “with
8 law” and all that follows through “twenty-five” and insert-
9 ing “with law, and not for purposes of conducting gaming
10 (within the meaning of section 4 of the Indian Gaming
11 Regulatory Act (25 U.S.C. 2703)), but no authority shall
12 be granted to sell or mortgage or to lease for a period
13 exceeding 99”.

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

15 (a) IN GENERAL.—The Secretary of the Army shall
16 convey all right, title, and interest of the United States
17 in and to the land described in subsection (b), including
18 all improvements, cultural resources, and sites on the land,
19 subject to the flowage and sloughing easement described
20 in subsection (d) and to the conditions stated in subsection
21 (f), to the Secretary, to be—

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

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

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

19 (c) BOUNDARY SURVEY.—Not later than 5 years
20 after the date of conveyance under subsection (a), the
21 boundaries of the land conveyed shall be surveyed as pro-
22 vided in section 2115 of the Revised Statutes (25 U.S.C.
23 176).

24 (d) EASEMENT.—

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

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

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

14 (B) the continuing right to clear and re-
15 move any brush, debris, or natural obstructions
16 that, in the opinion of the District Engineer,
17 may be detrimental to the project.

18 (e) OWNERSHIP OF STURGEON LAKE BED UNAF-
19 FECTED.—Nothing in this section diminishes or otherwise
20 affects the title of the State of Minnesota to the bed of
21 Sturgeon Lake located within the tracts of land described
22 in subsection (b).

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

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

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

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

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

13 (h) EFFECT OF SECTION.—Nothing in this section
14 diminishes or otherwise affects the rights granted to the
15 United States pursuant to letters of July 23, 1937, and
16 November 20, 1937, from the Secretary to the Secretary
17 of War and the letters of the Secretary of War in response
18 to the Secretary dated August 18, 1937, and November
19 27, 1937, under which the Secretary granted certain
20 rights to the Corps of Engineers to overflow the portions
21 of Tracts A, B, and C that lie within the Mississippi River
22 9-Foot Channel Project boundary and as more particu-
23 larly shown and depicted on the map entitled “United
24 States Army Corps of Engineers survey map of the Upper
25 Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red

1 Wing), Land & Flowage Rights” and dated December
2 1936.

3 **SEC. 8. GILA RIVER INDIAN COMMUNITY MANDATORY**
4 **BINDING ARBITRATION.**

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

8 (1) in the first sentence—

9 (A) by striking “Any lease” and all that
10 follows through “affecting land” and inserting
11 “Any contract, including a lease, affecting
12 land”; and

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

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect as if included in the Act
18 of August 9, 1955 (69 Stat. 539, chapter 615) and Public
19 107–159 (116 Stat. 122).

20 **SEC. 9. ALASKA NATIVE CLAIMS SETTLEMENT ACT VOTING**
21 **STANDARDS AMENDMENT.**

22 (a) IN GENERAL.—Subsection (d)(3) of section 36 of
23 the Alaska Native Claims Settlement Act (43 U.S.C.
24 1629b) (as amended by subsection (b)) is amended—

1 (1) by inserting after “of this section” the fol-
2 lowing: “or an amendment to the articles of incorpora-
3 tion described in section 7(g)(1)(B)”;

4 (2) by inserting “or amendment” after “meet-
5 ing relating to such resolution” each place it ap-
6 pears.

7 (b) TECHNICAL CORRECTIONS.—

8 (1)(A) Section 337(a) of the Department of the
9 Interior and Related Agencies Appropriations Act,
10 2003 (Division F of Public Law 108–7; 117 Stat.
11 278; February 20, 2003) is amended—

12 (i) in the matter preceding paragraph (1),
13 by striking “Section 1629b of title 43, United
14 States Code,” and inserting “Section 36 of the
15 Alaska Native Claims Settlement Act (43
16 U.S.C. 1629b)”;

17 (ii) in paragraph (2), by striking “by cre-
18 ating the following new subsection:” and insert-
19 ing “in subsection (d), by adding at the end the
20 following:”.

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

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

1 (ii) in subsection (f), by striking “section
2 1629e of this title” and inserting “section 39”.

3 (2)(A) Section 337(b) of the Department of the
4 Interior and Related Agencies Appropriations Act,
5 2003 (Division F of Public Law 108–7; 117 Stat.
6 278; February 20, 2003) is amended by striking
7 “Section 1629e(a)(3) of title 43, United States
8 Code,” and inserting “Section 39(a)(3) of the Alas-
9 ka Native Claims Settlement Act (43 U.S.C.
10 1629e(a)(3))”.

11 (B) Section 39(a)(3)(B)(ii) of the Alaska Na-
12 tive Claims Settlement Act (43 U.S.C.
13 1629e(a)(3)(B)(ii)) is amended by striking “(a)(4)
14 of section 1629b of this title” and inserting “section
15 36(a)(4)”.

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

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

19 (a) IN GENERAL.—The Secretary shall execute such
20 instruments as are necessary to release the condition on
21 a portion of land situated adjacent to the community of
22 Beaver, Alaska, conveyed pursuant to Patent No. 50–69–
23 0130 and dated August 23, 1968, that the land revert to
24 the United States if the land is not used for airport pur-
25 poses.

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

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

8 (2) shall be without any requirement for receipt
9 of fair market value for the release and conveyance
10 of the conditions otherwise applicable to the commu-
11 nity expansion land; and

12 (3) shall be contingent on the conveyance by
13 the State of Alaska of the community expansion
14 land to the Beaver Kwit’chin corporation, the Village
15 Corporation of the village of Beaver, Alaska.

16 (c) RECONVEYANCE.—The Beaver Kwit’chin Cor-
17 poration—

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

22 (2) may subsequently—

23 (A) convey the remaining land to other in-
24 dividuals or persons for community expansion
25 purposes; or

1 (B) retain the remaining land in whole or
2 in part for community uses.

3 **SEC. 11. PUYALLUP INDIAN TRIBE LAND CLAIMS SETTLE-**
4 **MENT AMENDMENTS.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, the Secretary shall—

7 (1) accept the conveyance of the parcels of land
8 within the Puyallup Reservation described in sub-
9 section (b); and

10 (2) hold the land in trust for the benefit of the
11 Puyallup Indian Tribe.

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

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

19 (2) PARCEL B.—Lots 3 and 4, Pierce County
20 Short Plat No. 8908020412: according to the map
21 thereof recorded August 2, 1989, records of Pierce
22 County Auditor, together with portion of SR 5 abut-
23 ting lot 4, conveyed by deed recorded under record-
24 ing number 9309070433, described as follows:

1 That portion of Government lot 1, sec. 07,
2 T. 20 N., R. 4 E., of the Willamette Meridian,
3 described as commencing at Highway Engi-
4 neer's Station (hereinafter referred to as HES)
5 AL 26 6+38.0 P.O.T. on the AL26 line survey
6 of SR 5, Tacoma to King County line: Thence
7 S88°54'30" E., along the north line of said lot
8 1 a distance of 95 feet to the true point of be-
9 ginning: Thence S01°05'30" W87.4' feet:
10 Thence westerly to a point opposite HES AL26
11 5+0.6 P.O.T. on said AL26 line survey and 75
12 feet easterly therefrom; Thence northwesterly to
13 a point opposite AL26 5+80.6 on said AL26
14 line survey and 55 feet easterly therefrom:
15 Thence northerly parallel with said line survey
16 to the north line of said lot 1: Thence
17 N88°54'30" E., to the true point of beginning.

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

22 Commencing at the northeast corner of
23 said lot 4: Thence N80°53'30" W., along the
24 north line of said lot 4 a distance of 147.44 feet
25 to the true point of beginning and a point of

1 curvature; thence southwesterly along a curve
 2 to the left, the center of which bears S0°06'30"
 3 W., 55.00 feet distance, through a central angle
 4 of 89°01'00", an arc distance of 85.45 feet;
 5 Thence S01°05'30" W., 59.43 feet; Thence
 6 N88°54'30" W., 20.00 feet to a point on the
 7 westerly line of said lot 4; Thence N0°57'10"
 8 E., along said westerly line 113.15 feet to the
 9 northwest corner of said lot 4; Thence
 10 S89°53'30" east along said north line, a dis-
 11 tance of 74.34 feet to the true point of begin-
 12 ning.

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

18 Situate in the city of Fife, county of
 19 Pierce, State of Washington.

20 **SEC. 12. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE**
 21 **SIOUX TRIBE, AND STATE OF SOUTH DAKOTA**
 22 **TERRESTRIAL WILDLIFE HABITAT RESTORA-**
 23 **TION.**

24 (a) DISBURSEMENT PROVISIONS OF THE STATE OF
 25 SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX

1 TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRES-
2 TRIAL WILDLIFE HABITAT RESTORATION TRUST
3 FUNDS.—Section 602(a)(4) of the Water Resources De-
4 velopment Act of 1999 (113 Stat. 386) is amended—

5 (1) in subparagraph (A)—

6 (A) in clause (i), by inserting “and the
7 Secretary of the Treasury” after “Secretary”;
8 and

9 (B) by striking clause (ii) and inserting the
10 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 State of South Dakota
15 funds from the State of South Dakota Ter-
16 restrial Wildlife Habitat Restoration Trust
17 Fund established under section 603, to be
18 used to carry out the plan for terrestrial
19 wildlife habitat restoration submitted by
20 the State of South Dakota after the State
21 certifies to the Secretary of the Treasury
22 that the funds to be disbursed will be used
23 in accordance with section 603(d)(3) and
24 only after the Trust Fund is fully capital-
25 ized.”; and

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

3 “(ii) AVAILABILITY OF FUNDS.—On
4 notification in accordance with clause (i),
5 the Secretary of the Treasury shall make
6 available to the Cheyenne River Sioux
7 Tribe and the Lower Brule Sioux Tribe
8 funds from the Cheyenne River Sioux Ter-
9 restrial Wildlife Habitat Restoration Trust
10 Fund and the Lower Brule Sioux Terres-
11 trial Wildlife Habitat Restoration Trust
12 Fund, respectively, established under sec-
13 tion 604, to be used to carry out the plans
14 for terrestrial wildlife habitat restoration
15 submitted by the Cheyenne River Sioux
16 Tribe and the Lower Brule Sioux Tribe,
17 respectively, after the respective tribe cer-
18 tifies to the Secretary of the Treasury that
19 the funds to be disbursed will be used in
20 accordance with section 604(d)(3) and only
21 after the Trust Fund is fully capitalized.”.

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

1 (1) by striking subsection (c) and inserting the
2 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 Fund.

10 “(2) INVESTMENT REQUIREMENTS.—

11 “(A) IN GENERAL.—The Secretary of the
12 Treasury shall invest the Fund in accordance
13 with all of the requirements of this paragraph.

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

16 “(i) PRINCIPAL ACCOUNT.—The
17 amounts deposited in the Fund under sub-
18 section (b) shall be credited to an account
19 within the Fund (referred to in this para-
20 graph as the ‘principal account’) and in-
21 vested as provided in subparagraph (C).

22 “(ii) INTEREST ACCOUNT.—The inter-
23 est earned from investing amounts in the
24 principal account of the Fund shall be
25 transferred to a separate account within

1 the Fund (referred to in this paragraph as
2 the ‘interest account’) and invested as pro-
3 vided in subparagraph (D).

4 “(iii) CREDITING.—The interest
5 earned from investing amounts in the in-
6 terest account of the Fund shall be cred-
7 ited to the interest account.

8 “(C) INVESTMENT OF PRINCIPAL AC-
9 COUNT.—

10 “(i) INITIAL INVESTMENT.—Each
11 amount deposited in the principal account
12 of the Fund shall be invested initially in el-
13 igible obligations having the shortest matu-
14 rity then available until the date on which
15 the amount is divided into 3 substantially
16 equal portions and those portions are in-
17 vested in eligible obligations that are iden-
18 tical (except for transferability) to the
19 next-issued publicly issued Treasury obli-
20 gations having a 2-year maturity, a 5-year
21 maturity, and a 10-year maturity, respec-
22 tively.

23 “(ii) SUBSEQUENT INVESTMENT.—As
24 each 2-year, 5-year, and 10-year eligible
25 obligation matures, the principal of the

1 maturing eligible obligation shall also be
2 invested initially in the shortest-maturity
3 eligible obligation then available until the
4 principal is reinvested substantially equally
5 in the eligible obligations that are identical
6 (except for transferability) to the next-
7 issued publicly issued Treasury obligations
8 having 2-year, 5-year, and 10-year matu-
9 rities.

10 “(iii) DISCONTINUANCE OF ISSUANCE
11 OF OBLIGATIONS.—If the Department of
12 the Treasury discontinues issuing to the
13 public obligations having 2-year, 5-year, or
14 10-year maturities, the principal of any
15 maturing eligible obligation shall be rein-
16 vested substantially equally in eligible obli-
17 gations that are identical (except for trans-
18 ferability) to the next-issued publicly
19 issued Treasury obligations of the matu-
20 rities longer than 1 year then available.

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

23 “(i) BEFORE FULL CAPITALIZA-
24 TION.—Until the date on which the Fund
25 is fully capitalized, amounts in the interest

1 account of the Fund shall be invested in el-
2 ible obligations that are identical (except
3 for transferability) to publicly issued
4 Treasury obligations that have maturities
5 that coincide, to the greatest extent prac-
6 ticable, with the date on which the Fund
7 is expected to be fully capitalized.

8 “(ii) AFTER FULL CAPITALIZATION.—

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

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

23 “(F) HIGHEST YIELD.—Among eligible ob-
24 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 State of South Dakota the results of the invest-
10 ment activities and financial status of the Fund dur-
11 ing the preceding 12-month period.”; and

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

14 (c) INVESTMENT PROVISIONS FOR THE CHEYENNE
15 RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE
16 TRUST FUNDS.—Section 604 of the Water Resources De-
17 velopment Act of 1999 (113 Stat. 389) is amended by
18 striking subsection (c) and inserting the following:

19 “(c) INVESTMENTS.—

20 “(1) ELIGIBLE OBLIGATIONS.—Notwith-
21 standing any other provision of law, the Secretary of
22 the Treasury shall invest the amounts deposited
23 under subsection (b) and the interest earned on
24 those amounts only in interest-bearing obligations of
25 the United States issued directly to the Funds.

1 “(2) INVESTMENT REQUIREMENTS.—

2 “(A) IN GENERAL.—The Secretary of the
3 Treasury shall invest each of the Funds in ac-
4 cordance with all of the requirements of this
5 paragraph.

6 “(B) SEPARATE INVESTMENTS OF PRIN-
7 CIPAL AND INTEREST.—

8 “(i) PRINCIPAL ACCOUNT.—The
9 amounts deposited in each Fund under
10 subsection (b) shall be credited to an ac-
11 count within the Fund (referred to in this
12 paragraph as the ‘principal account’) and
13 invested as provided in subparagraph (C).

14 “(ii) INTEREST ACCOUNT.—The inter-
15 est earned from investing amounts in the
16 principal account of each Fund shall be
17 transferred to a separate account within
18 the Fund (referred to in this paragraph as
19 the ‘interest account’) and invested as pro-
20 vided in subparagraph (D).

21 “(iii) CREDITING.—The interest
22 earned from investing amounts in the in-
23 terest account of each Fund shall be cred-
24 ited to the interest account.

1 “(C) INVESTMENT OF PRINCIPAL AC-
2 COUNT.—

3 “(i) INITIAL INVESTMENT.—Each
4 amount deposited in the principal account
5 of each Fund shall be invested initially in
6 eligible obligations having the shortest ma-
7 turity then available until the date on
8 which the amount is divided into 3 sub-
9 stantially equal portions and those portions
10 are invested in eligible obligations that are
11 identical (except for transferability) to the
12 next-issued publicly issued Treasury obli-
13 gations having a 2-year maturity, a 5-year
14 maturity, and a 10-year maturity, respec-
15 tively.

16 “(ii) SUBSEQUENT INVESTMENT.—As
17 each 2-year, 5-year, and 10-year eligible
18 obligation matures, the principal of the
19 maturing eligible obligation shall also be
20 invested initially in the shortest-maturity
21 eligible obligation then available until the
22 principal is reinvested substantially equally
23 in the eligible obligations that are identical
24 (except for transferability) to the next-
25 issued publicly issued Treasury obligations

1 having 2-year, 5-year, and 10-year matu-
2 rities.

3 “(iii) DISCONTINUATION OF ISSUANCE
4 OF OBLIGATIONS.—If the Department of
5 the Treasury discontinues issuing to the
6 public obligations having 2-year, 5-year, or
7 10-year maturities, the principal of any
8 maturing eligible obligation shall be rein-
9 vested substantially equally in eligible obli-
10 gations that are identical (except for trans-
11 ferability) to the next-issued publicly
12 issued Treasury obligations of the matu-
13 rities longer than 1 year then available.

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

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

1 “(ii) AFTER FULL CAPITALIZATION.—

2 On and after the date on which each Fund
3 is fully capitalized, amounts in the interest
4 account of the Fund shall be invested and
5 reinvested in eligible obligations having the
6 shortest maturity then available until the
7 amounts are withdrawn and transferred to
8 fund the activities authorized under sub-
9 section (d)(3).

10 “(E) PAR PURCHASE PRICE.—The price to
11 be paid for eligible obligations purchased as in-
12 vestments of the principal account shall not ex-
13 ceed the par value of the obligations so that the
14 amount of the principal account shall be pre-
15 served in perpetuity.

16 “(F) HIGHEST YIELD.—Among eligible ob-
17 ligations having the same maturity and pur-
18 chase price, the obligation to be purchased shall
19 be the obligation having the highest yield.

20 “(G) HOLDING TO MATURITY.—Eligible
21 obligations purchased shall generally be held to
22 their maturities.

23 “(3) ANNUAL REVIEW OF INVESTMENT ACTIVI-
24 TIES.—Not less frequently than once each calendar
25 year, the Secretary of the Treasury shall review with

1 the Cheyenne River Sioux Tribe and the Lower
 2 Brule Sioux Tribe the results of the investment ac-
 3 tivities and financial status of the Funds during the
 4 preceding 12-month period.”.

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

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

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

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

14 “(1) represents less than 5 percent of the entire
 15 undivided ownership of the parcel of land (as re-
 16 flected in the decedent’s estate inventory as of the
 17 date on which the decisionmaker enters the final de-
 18 cision determining heirs); and

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

23 “(b) INTESTATE INHERITANCE IN GENERAL.—Not-
 24 withstanding section 3, no small fractional interest shall

1 pass by intestate succession under this Act or any other
 2 provision of law except as provided in subsection (c).

3 “(c) INHERITANCE BY TRIBE.—If a person dies pos-
 4 sessed of a small fractional interest that has not been de-
 5 vised in accordance with subsection (d) to 1 or more eligi-
 6 ble devisees described in that subsection, the small frac-
 7 tional interest shall pass to the Tribe, with title to the
 8 interest to be held by the United States in trust for the
 9 Tribe.

10 “(d) INHERITANCE BY TESTAMENTARY DEVISE.—

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

15 “(A) The tribe.

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

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

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

23 “(B) the devisee is expressly identified in
 24 the devise by name; and

1 “(C) the devise is made in a will that has
2 been approved by the Secretary of the Interior
3 in accordance with section 2 of the Act of June
4 25, 1910 (36 Stat. 856, chapter 431).

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

10 (b) NOTICE TO LANDOWNERS; CERTIFICATION.—

11 (1) NOTICE.—Not later than 180 days after the
12 date of enactment of this Act, the Secretary shall
13 provide notice of the amendment made by subsection
14 (a) to owners of trust and restricted interests in
15 land within the Lake Traverse Indian Reservation
16 by—

17 (A) posting written notice of the amend-
18 ment at the administrative headquarters of the
19 Sisseton-Wahpeton Sioux Tribe of North Da-
20 kota and South Dakota and at the Agency of
21 the Bureau of Indian Affairs located in Agency
22 Village, South Dakota;

23 (B) publishing the notice not fewer than 4
24 times in newspapers of general circulation in all

1 counties in which any part of the Lake Tra-
2 verse Indian Reservation is located; and

3 (C) sending the notice by first class mail
4 to the last known addresses of Indians with in-
5 terests in trust or restricted land within the
6 Lake Traverse Indian Reservation for whom the
7 Secretary has such an address.

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

10 (A) certify that notice has been given in
11 accordance with that paragraph; and

12 (B) publish notice of the certification in
13 the Federal Register.

14 (c) EFFECTIVE DATE.—

15 (1) EFFECT ON INTERESTS.—The amendment
16 made by subsection (a) shall not affect any interest
17 in the estate of a person who dies before the date
18 that is 1 year after the date on which the Secretary
19 publishes notice of the certification under subsection
20 (b)(2).

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

1 **SEC. 14. AMENDMENT OF DEFINITION.**

2 Section 2(9) of Public Law 101–601 (25 U.S.C.
3 3001(9)) is amended by inserting “or was” after “is”.

○