Public Law 102-497
102d Congress

An Act

Oct. 24, 1992
[H.R. 5686]

To make technical amendments to certain Federal Indian statutes.

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

SECTION 1. CORRECTION OF LAND DESCRIPTION WITH RESPECT TO THE GRAND RONDE RESERVATION.

Section 4(b) of Public Law 100-425 (25 U.S.C. 713f note) is amended by striking "SE¼NE¼" in the fourth column of the description of the 47th tract of land listed in such subsection and inserting the following: "SE¼NE¼,E½SW¼".

SEC. 2. EXTENSION OF DEADLINE WITH RESPECT TO PONCA ECONOMIC DEVELOPMENT PLAN.

Section 10(a)(3) of the Ponca Restoration Act (25 U.S.C. 983h(a)(3)) is amended by striking "2" and inserting "3".

SEC. 3. EXPENDITURE OF JUDGMENT FUNDS.

(a) CROW TRIBE JUDGMENT FUND.—Notwithstanding any other provision of law, or any distribution plan approved pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary of the Interior may reprogram, in accordance with Crow Tribal Resolution 91-14, any and all remaining funds (principal and interest accounts) which were awarded in satisfaction of the judgments in Indian Claims Commission Docket No. 54 (1961) and United States Claims Court Docket Nos. 796-71 and 797-71 (1981).

(b) SHOSHONE-BANNOCK JUDGMENT FUND.—Notwithstanding any other provision of law, or any distribution plan approved pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary of the Interior may reprogram, in accordance with Shoshone-Bannock Tribal Resolution GNCL-91-0616, dated July 19, 1991, any and all remaining funds (principal and interest accounts) which were awarded in satisfaction of the judgment in Indian Claims Commission Docket No. 326-C-2 (1985).

SEC. 4. AUTHORITY TO CONVEY LANDS.

Notwithstanding any other provision of law, the Mississippi Band of Choctaw Indians is authorized to sell, convey, and warrant to National Disposal Systems, Inc., without further approval of the United States, all the Band's interests in real property located in Noxubee County, Mississippi, that it acquired from National Disposal Systems, Inc. Nothing in this section is intended to authorize the Mississippi Band of Choctaw Indians to sell any of its lands that are held in trust by the United States.

SEC. 5. AMENDMENTS TO 99-YEAR LEASE STATUTE.

The second sentence of subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended by inserting

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

immediately after "Oklahoma," the following: "lands held in trust for the Pueblo of Santa Clara, lands held in trust for the Confederated Tribes of the Colville Reservation, lands held in trust for the Cahuilla Band of Indians of California,".

SEC. 6. AMENDMENTS TO THE SAN CARLOS IRRIGATION PROJECT DIVESTITURE ACT OF 1991.

The San Carlos Indian Irrigation Project Divestiture Act of 1991 (Public Law 102-231; 105 Stat. 1722 et seq.) is amended by—

105 Stat. 1725, 1731.

(1) deleting in sections 4(a) and 10(b) the date "December 31, 1992" and inserting in lieu thereof the date "July 31, 1993";

105 Stat. 1725.

(2) inserting immediately before the period at the end of paragraph (1) of subsection 5(a) the phrase "and otherwise administer all customer accounts"; and

105 Stat. 1727.

(3) deleting "5(a)(2)" in the second sentence of section 6 and inserting in lieu thereof "5(a)(5)".

SEC. 7. EXPENDITURE OF LEDGER ACCOUNT.

The Secretary of the Interior is authorized to expend not to exceed $1,300,000 of receipts, including interest, generated from the Wapato Indian Irrigation Project, currently available in the Bureau of Indian Affairs' Account for Operation and Maintenance, Indian Irrigation Systems (Appropriation Account 14X5240), which includes principal collected under the authority of the Act of February 14, 1920, for purposes of rehabilitation and betterment of the irrigation system at the Wapato Indian Irrigation Project, and to which the principal sums collected shall be credited in a manner which reduces the obligation for repayment of construction costs for those units of the Wapato Indian Irrigation Project from which such funds were generated.

Southern Arizona Water Rights Settlement Technical Amendments Act of 1992.

SEC. 8. TECHNICAL AMENDMENTS TO SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT OF 1982.

(a) SHORT TITLE.—This section may be cited as the "Southern Arizona Water Rights Settlement Technical Amendments Act of 1992".

(b) TECHNICAL AMENDMENTS.—The Southern Arizona Water Rights Settlement Act of 1982 is amended as follows:

96 Stat. 1284.

(1) in section 313(b)(1)(A), delete "paragraph (3)" and insert in lieu thereof "paragraph (2)";

(2) in clauses (i), (ii) and (iii) of section 313(b)(1)(B), delete "(adjusted as provided in paragraph (2))" each place it appears and insert in lieu thereof "which has been";

(3) in section 313(b)(1)(C), immediately before the period at the end thereof, insert a comma and the following: "including all interest which has accrued to the Fund since the Fund was established and all interest which accrued on contributions and appropriations to the Fund from October 12, 1985, to the date of the enactment of the Southern Arizona Water Rights Settlement Technical Amendments Act of 1992";

(4) in subsection (b), delete paragraph (2) and renumber paragraph (3) as paragraph (2);

(5) amend section 313 by adding at the end thereof the following new subsection:

"(g)(1) Notwithstanding the provisions of subsection (e), if no funds contributed to the Cooperative Fund pursuant to subsection

(b)(1)(B) (or accrued interest thereon) have been returned to any of the contributors, the Cooperative Fund shall not be terminated; except that, if the final judgment in the lawsuit referred to in section 307(a)(1)(C) does not dismiss all claims against the defendants named therein, the Cooperative Fund shall be terminated and the Secretary of the Treasury shall return all amounts contributed to the Fund (together with a ratable share of the remaining accrued interest) to the respective contributors.

"(2)(A) If the share contributed to the Cooperative Fund by the United States has been deposited in the General Fund of the Treasury pursuant to subsection (e), there is authorized to be appropriated to the Cooperative Fund the amount so deposited in the General Fund of the Treasury, adjusted to include an amount representing the additional interest which would have been earned by the Cooperative Fund if that portion had not been deposited in the General Fund of the Treasury.

"(B) If the final judgment in the lawsuit referred to in section 307(a)(1)(C) does not dismiss all claims against the defendants named therein, the share of the Cooperative Fund contributed by the United States shall be deposited in the General Fund of the Treasury.";

(6) in section 304(e)(2), delete ", as long as such water is used for irrigation of Indian lands"; 96 Stat. 1276.

(7) in section 306(c), by adding at the end thereof the following new paragraph: 96 Stat. 1279.

"(3) For the purpose of determining allocation and repayment of costs of the Central Arizona Project as provided in article 9.3 of contract numbered 14-06-W-245 between the United States of America and the Central Arizona Water Conservation District, dated December 1, 1988, and any amendment or revision thereof, the costs associated with the delivery of Central Arizona Project water under the sales, exchanges or temporary dispositions herein authorized shall be nonreimbursable, and such costs shall be excluded from such District's repayment obligation."; and

(8) in sections 313(c)(1)(A), 304(c)(1) and 305(d)(1), immediately after "10 years" each place it appears, insert "and 9 months". 96 Stat. 1284, 1276, 1278.

SEC. 9. AMENDMENTS TO THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS.—The second sentence of section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(a)) is amended by striking ", subject to the availability of funds appropriated under the authority of section 816(c),".

(b) DEFINITION.—Section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c) is amended—

(1) in paragraph (4) by striking "; and" at the end,

(2) in paragraph (5) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(6) the term 'Native American Pacific Islander' means an individual who is indigenous to a United States territory or possession located in the Pacific Ocean, and includes such individual while residing in the United States.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking subsection (c), and

(2) by redesignating subsection (d) as subsection (c).

Ak-Chin Water Use Amendments Act of 1992.

SEC. 10. TECHNICAL AMENDMENTS TO AK-CHIN WATER USE ACT OF 1984.

(a) SHORT TITLE.—This section may be cited as the "Ak-Chin Water Use Amendments Act of 1992".

(b) AUTHORIZATION OF USE OF WATER.—Section 2(j) of the Act of October 19, 1984 (Public Law 98–530; 98 Stat. 2698) is amended to read as follows:

"(j) The Ak-Chin Indian Community (hereafter in this Act referred to as the 'Community') shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational or other beneficial use, in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1. The community is authorized to lease or enter into an option to lease, extend leases, exchange or temporarily dispose of water to which it is entitled for beneficial use in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1: *Provided,* That the term of any such lease shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, extends leases, exchanges or temporarily disposes of water, such action shall be pursuant to a contract that has been accepted and ratified by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary.".

SEC. 11. AMENDMENT.

The Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes", approved October 15, 1977 (91 Stat. 1159), is amended by adding at the end thereof the following:

Indian Environmental General Assistance Program Act of 1992.
42 USC 4368b.

"SEC. 502. GENERAL ASSISTANCE PROGRAM.

"(a) SHORT TITLE.—This section may be cited as the 'Indian Environmental General Assistance Program Act of 1992'.

"(b) PURPOSES.—The purposes of this section are to—

"(1) provide general assistance grants to Indian tribal governments and intertribal consortia to build capacity to administer environmental regulatory programs that may be delegated by the Environmental Protection Agency on Indian lands; and

"(2) provide technical assistance from the Environmental Protection Agency to Indian tribal governments and intertribal consortia in the development of multimedia programs to address environmental issues on Indian lands.

"(c) DEFINITIONS.—For purposes of this section:

"(1) The term 'Indian tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village cor-

poration (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

"(2) The term 'intertribal consortia' or 'intertribal consortium' means a partnership between two or more Indian tribal governments authorized by the governing bodies of those tribes to apply for and receive assistance pursuant to this section.

"(3) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(d) GENERAL ASSISTANCE PROGRAM.—(1) The Administrator of the Environmental Protection Agency shall establish an Indian Environmental General Assistance Program that provides grants to eligible Indian tribal governments or intertribal consortia to cover the costs of planning, developing, and establishing environmental protection programs on Indian lands.

Grants. Environmental protection.

"(2) Each grant awarded for general assistance under this subsection for a fiscal year shall be no less than $75,000, and no single grant may be awarded to an Indian tribal government or intertribal consortium for more than 10 percent of the funds appropriated under subsection (h) of this section.

"(3) The term of any general assistance award made under this subsection may exceed one year. Any awards made pursuant to this section shall remain available until expended. An Indian tribal government or intertribal consortium may receive a general assistance grant for a period of up to four years in each specific media area.

"(e) NO REDUCTION IN AMOUNTS.—In no case shall the award of a general assistance grant to an Indian tribal government or intertribal consortium under this section result in a reduction of Environmental Protection Agency grants for environmental programs to that tribal government or consortium. Nothing in this section shall preclude an Indian tribal government or intertribal consortium from receiving individual media grants or cooperative agreements. Funds provided by the Environmental Protection Agency through the general assistance program shall be used by an Indian tribal government or intertribal consortium to supplement other funds provided by the Environmental Protection Agency through individual media grants or cooperative agreements.

"(f) EXPENDITURE OF GENERAL ASSISTANCE.—Any general assistance under this section shall be expended for the purpose of planning, developing, and establishing the capability to implement programs administered by the Environmental Protection Agency and specified in the assistance agreement. Purposes and programs authorized under this section shall include the development and implementation of solid and hazardous waste programs for Indian lands. An Indian tribal government or intertribal consortium receiving general assistance pursuant to this section shall utilize such funds for programs and purposes to be carried out in accordance with the terms of the assistance agreement.

"(g) PROCEDURES.—(1) Within 12 months following the date of the enactment of this section, the Administrator shall promulgate regulations establishing procedures under which an Indian tribal government or intertribal consortium may apply for general assistance grants under this section.

Regulations.

Federal Register, publication.

"(2) The Administrator shall publish regulations issued pursuant to this section in the Federal Register.

"(3) The Administrator shall establish procedures for accounting, auditing, evaluating, and reviewing any programs or activities funded in whole or in part for a general assistance grant under this section.

Appropriation authorization.

"(h) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of this section, $15,000,000 for each of the fiscal years 1993 and 1994.".

SEC. 12. ENROLLMENT AS NATIVES.

Yvonne LeCornu Salazar. Andres Manuel Salazar. Shaan-Seet, Inc.

Notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to enroll the following-named individuals as Natives under the Alaska Native Claims Settlement Act (Public Law 92-203): Yvonne LeCornu Salazar and Andres Manuel Salazar. Each individual is entitled to receive 100 shares of stock in Shaan-Seet, Inc. and such other benefits as the board of directors of that corporation may approve. No individual enrolled pursuant to this Act shall be entitled to share in any dividends or Alaska Native Claims Settlement Act distributions made by the United States or Shaan-Seet, Inc. prior to the individual's enrollment. Nor shall this Act alter said individual's rights to receive dividends or Alaska Native Claims Settlement Act distributions made by Sealaska Corporation prior to the individual's enrollment in Shaan-Seet. Enrollment of these individuals shall not alter the entitlement to or distribution of land to any corporation under the terms of the Alaska Native Claims Settlement Act.

SEC. 13. TRANSFER OF BUREAU OF INDIAN AFFAIRS' ADMINISTRATIVE SITE IN BETHEL, ALASKA TO THE YUKON KUSKOKWIM HEALTH CORPORATION.

(a) CONVEYANCE.—To the extent consistent with this section and applicable Federal and State environmental laws, the Secretary of the Interior, notwithstanding section 1302(h) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)), shall convey, in fee, the buildings of the former Bureau of Indian Affairs Bethel Agency, Bethel, Alaska, and lands necessary for the use of these buildings, but not to exceed 27 acres of the Agency site, to the Yukon Kuskokwim Health Corporation (hereafter referred to as the "Corporation"). Such conveyance shall be made on terms mutually agreed on between the Secretary of the Interior and the Corporation. The Secretary may require that the Corporation, as exclusive consideration for this conveyance, enter into an agreement under which the Corporation agrees to indemnify the United States Fish and Wildlife Service and the Bureau of Indian Affairs for any liability arising out of the operation and maintenance of any response at the property concerning asbestos. The conveyance required by this section shall be made, subject to subsection (b)(2), prior to September 30, 1993.

(b) ENVIRONMENTAL RESPONSE.—Prior to the conveyance of the property to the Corporation pursuant to subsection (a), for responses that are necessary under applicable Federal and State laws to protect human health and the environment with respect to any hazardous substance or hazardous waste remaining on the property, the Secretary of the Interior and the Secretary of the Air Force shall—

(1) complete and equally share the cost of such response, or

(2) grant and equally share the cost of such grant to the Corporation an amount equal to the cost of such response, except that such grant shall be used to complete such response prior to the conveyance of the property.

(c) Notwithstanding any other Federal law, except with respect to liability arising from the operation and maintenance of the property, the United States Fish and Wildlife Service and the Bureau of Indian Affairs shall not be liable under any Federal law for any additional response necessary for asbestos at the property following its conveyance to the Corporation pursuant to the authority of subsection (a). Nothing in this section shall affect any liability of any person other than the United States Fish and Wildlife Service and the Bureau of Indian Affairs.

(d) EASEMENT.—The conveyance under this section shall reserve an easement for access to adjacent areas of the Yukon Delta National Wildlife Refuge, if determined necessary by the Secretary.

(e) DEFINITIONS.—As used in this section:

(1) The terms "response", "hazardous substance", "person", and "environment" as used herein shall have the meaning of such terms as provided in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.).

(2) The term "hazardous waste" shall have the meaning of such term as provided in the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 14. REGULATION OF CLASS III GAMING.

Montana.

(a) IN GENERAL.—Notwithstanding section 11(d)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(1), during the six-month period beginning on the date of the enactment of this Act, any class III gaming activity conducted on Indian lands in the State of Montana shall be lawful if such gaming activity—

(1) is conducted in accordance with State law made applicable by the Indian Gaming Regulatory Act; and

(2) was owned or being conducted on May 1, 1988.

(b) INAPPLICABILITY OF ACT OF JANUARY 2, 1951.—During the six-month period specified in subsection (a), the provisions of section 5 of the Act of January 2, 1951 (15 U.S.C. 1175), shall not apply to any gaming activity described in such subsection which meets the requirements of paragraphs (1) and (2) of such subsection.

SEC. 15. DEFINITIONS.

For purposes of this section, the terms "Indian lands" and "class III gaming" have the meaning given such terms in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

SEC. 16. CONFORMING AMENDMENT.

Section 4(7)(E) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(7)(E)) is amended by striking "or Montana".

SEC. 17. SETTLEMENT OF LAWSUIT.

The Act of October 25, 1972 (86 Stat. 1168), is amended by adding at the end thereof the following new section:

"SEC. 306. AUTHORITY TO SETTLE ACTION.

"Notwithstanding any provision of this Act or any other provision of law, the Attorney General is authorized to negotiate and settle any action that may be or has been brought to contest

the constitutionality or validity under law of the distribution to all other Sisseton and Wahpeton Sioux provided for in section 202 of this Act.".

Approved October 24, 1992.

LEGISLATIVE HISTORY—H.R. 5686:

HOUSE REPORTS: No. 102-774 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-428 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 138 (1992):
Aug. 3, considered and passed House.
Oct. 1, considered and passed Senate, amended.
Oct. 3, House concurred in Senate amendment.