

110TH CONGRESS
2D SESSION

H. R. 5680

To amend certain laws relating to Native Americans, and for others purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2008

Mr. GRIJALVA introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To amend certain laws relating to Native Americans, and
for others 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. TABLE OF CONTENTS.**

4 The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Colorado River Indian Tribes.
- Sec. 3. Gila River Indian Community contracts.
- Sec. 4. Land and interests of the Sault Ste. Marie Tribe of Chippewa Indians of Michigan.
- Sec. 5. Land and interests of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin.
- Sec. 6. Morongo Tribe Lease Extension.
- Sec. 7. Cow Creek band leasing authority.
- Sec. 8. New Settlement Common Stock issued to descendants, left-outs, and elders.
- Sec. 9. Columbia River Treaty Fishing Access Sites.
- Sec. 10. Miccosukee Tribe of Indians of Florida.

1 **SEC. 2. COLORADO RIVER INDIAN TRIBES.**

2 From revenues deposited into the Treasury after the
3 date of the enactment of this Act pursuant to section 3
4 of the Act of August 7, 1946 (25 U.S.C. 385c) from power
5 operations on the reservation of the Colorado River Indian
6 Tribe, the Secretary of the Interior may make an annual
7 disbursement to the Colorado River Indian Tribes. Funds
8 disbursed under this section—

9 (1) shall be used to fund the Office of the Colo-
10 rado Indian Tribes Reservation Energy Develop-
11 ment;

12 (2) shall not affect funds held from any other
13 irrigation project;

14 (3) shall not exceed \$200,000 annually; and

15 (4) shall only be disbursed in years that the
16 revenues deposited exceed the amount required to
17 carry out the purposes for which they deposited
18 under section 2 of the Act of August 7, 1946 (25
19 U.S.C. 385c).

20 **SEC. 3. GILA RIVER INDIAN COMMUNITY CONTRACTS.**

21 Subsection (f) of the first section of the Act of August
22 9, 1955 (25 U.S.C. 415(f)), is amended by striking “lease,
23 affecting” and inserting “lease or construction contract,
24 affecting”.

1 **SEC. 4. LAND AND INTERESTS OF THE SAULT STE. MARIE**
2 **TRIBE OF CHIPPEWA INDIANS OF MICHIGAN.**

3 (a) **IN GENERAL.**—Subject to subsections (b) and (c),
4 notwithstanding any other provision of law (including reg-
5 ulations), the Saulte Ste. Marie Tribe of Chippewa Indians
6 of Michigan (including any agent or instrumentality of the
7 Tribe) (referred to in this section as the “Tribe”), may
8 transfer, lease, encumber, or otherwise convey, without
9 further authorization or approval, all or any part of the
10 Tribe’s interest in any real property that is not held in
11 trust by the United States for the benefit of the Tribe.

12 (b) **EFFECT OF SECTION.**—Nothing in this section
13 is intended to authorize the Tribe to transfer, lease, en-
14 cumber, or otherwise convey, any lands, or any interest
15 in any lands, that are held in trust by the United States
16 for the benefit of the Tribe.

17 (c) **LIABILITY.**—The United States shall not be held
18 liable to any party (including the Tribe or any agent or
19 instrumentality of the Tribe) for any term of, or any loss
20 resulting from the term of any transfer, lease, encum-
21 brance, or conveyance of land made pursuant to this Act
22 unless the United States or an agent or instrumentality
23 of the United States is a party to the transaction or the
24 United States would be liable pursuant to any other provi-
25 sion of law. This subsection shall not apply to land trans-

1 ferred or conveyed by the Tribe to the United States to
2 be held in trust for the benefit of the Tribe.

3 (d) EFFECTIVE DATE.—This section shall be deemed
4 to have taken effect on January 1, 2005.

5 **SEC. 5. LAND AND INTERESTS OF THE LAC DU FLAMBEAU**
6 **BAND OF LAKE SUPERIOR CHIPPEWA INDI-**
7 **ANS OF WISCONSIN.**

8 (a) IN GENERAL.—Subject to subsections (b) and (c),
9 notwithstanding any other provision of law (including reg-
10 ulations), the Lac du Flambeau Band of Lake Superior
11 Chippewa Indians Wisconsin (including any agent or in-
12 strumentality of the Tribe) (referred to in this section as
13 the “Tribe”), may transfer, lease, encumber, or otherwise
14 convey, without further authorization or approval, all or
15 any part of the Tribe’s interest in any real property that
16 is not held in trust by the United States for the benefit
17 of the Tribe.

18 (b) EFFECT OF SECTION.—Nothing in this section
19 is intended to authorize the Tribe to transfer, lease, en-
20 cumber, or otherwise convey, any lands, or any interest
21 in any lands, that are held in trust by the United States
22 for the benefit of the Tribe.

23 (c) LIABILITY.—The United States shall not be held
24 liable to any party (including the Tribe or any agent or
25 instrumentality of the Tribe) for any term of, or any loss

1 resulting from the term of any transfer, lease, encum-
2 brance, or conveyance of land made pursuant to this Act
3 unless the United States or an agent or instrumentality
4 of the United States is a party to the transaction or the
5 United States would be liable pursuant to any other provi-
6 sion of law. This subsection shall not apply to land trans-
7 ferred or conveyed by the Tribe to the United States to
8 be held in trust for the benefit of the Tribe.

9 **SEC. 6. MORONGO TRIBE LEASE EXTENSION.**

10 Subsection (a) of the first section of the Act of Au-
11 gust 9, 1955 (25 U.S.C. 415(a)) is amended in the second
12 sentence by inserting “and except leases of land held in
13 trust for the Morongo Band of Mission Indians which may
14 be for a term of not to exceed 50 years,” before “and ex-
15 cept leases of land for grazing purposes which may be for
16 a term of not to exceed ten years”.

17 **SEC. 7. COW CREEK BAND LEASING AUTHORITY.**

18 (a) AUTHORIZATION FOR 99-YEAR LEASES.—Sub-
19 section (a) of the first section of the Act of August 9,
20 1955 (25 U.S.C. 415(a)), is amended in the second sen-
21 tence by inserting “and lands held in trust for the Cow
22 Creek Band of Umpqua true of Indians,” after “lands held
23 in trust for the Confederated Tribes of the Warm Springs
24 Reservation of Oregon,”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply to any lease entered into or re-
3 newed after the date of the enactment of this Act.

4 **SEC. 8. NEW SETTLEMENT COMMON STOCK ISSUED TO DE-**
5 **SCENDANTS, LEFT-OUTS, AND ELDERS.**

6 Section 7 of the Alaska Native Claims Settlement Act
7 (Public Law Number 92–203, 85 Stat. 691), is amend-
8 ed—

9 (1) by amending subsection (g)(1)(B)(iii) (43
10 U.S.C. 1606(g)(1)(B)(iii)), to read as follows:

11 “(iii) The amendment authorized by
12 clause (i) may provide that Settlement
13 Common Stock issued to a Native pursu-
14 ant to such amendment (or stock issued in
15 exchange for such Settlement Common
16 Stock pursuant to subsection (h)(3) of this
17 section or section 1626c(d) of this title)
18 shall be subject to one or more of the fol-
19 lowing:

20 “(I) Such stock shall be deemed
21 canceled upon the death of such Na-
22 tive, and no compensation for this
23 cancellation shall be paid to the estate
24 of the deceased Native or to any per-
25 son holding stock.

1 “(II) Such stock shall carry lim-
2 ited or no voting rights.

3 “(III) Such stock shall not be
4 transferred by gift as provided in sub-
5 paragraph (h)(1)(C)(iii).”; and

6 (2) in subsection (h)(1)(C) (43 U.S.C.
7 1606(h)(1)(C)), by striking “Notwithstanding the
8 restrictions” and inserting “Expect as otherwise ex-
9 pressly provided in this chapter and”.

10 **SEC. 9. COLUMBIA RIVER TREATY FISHING ACCESS SITES.**

11 Section 401 of Public Law 100–581 (102 Stat. 2944;
12 110 Stat. 766) is amended by adding at the end the fol-
13 lowing:

14 “(h) INVESTMENT OF OPERATION AND MAINTENANCE FUNDS.—

16 “(1) IN GENERAL.—Subject to paragraph (2),
17 funds made available for operation and maintenance
18 under this section may be invested in any interest-
19 bearing account, bond, security, or other investment
20 to achieve the highest practicable annual yield in ac-
21 cordance with prudent investor standards.

22 “(2) NONAPPLICABILITY OF PROVISION.—Sec-
23 tion 111 of division E of the Consolidated Appro-
24 priations Act, 2005 (25 U.S.C. 450e–3), shall not

1 apply to any investment of funds under paragraph
2 (1).”.

3 **SEC. 10. MICCOSUKEE TRIBE OF INDIANS OF FLORIDA.**

4 As soon as practicable after the date of the enactment
5 of this Act , the Secretary of the Interior shall take into
6 trust for the benefit of the Miccosukee Tribe of Indians
7 of Florida the land described as Tract A and Tract B,
8 Kendale Lakes North Section One, according to the Map
9 or Plat thereof, as recorded in Plat Book 93, Page 1, Pub-
10 lic Records or Miami-Dade County, Florida. After having
11 been taken into trust, the land described in this section
12 shall be part of the reservation of the Miccosukee Tribe
13 of Indians of Florida.

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