

10-14-1998

# 1998 Amendment to Jicarilla Apache Tribe Water Rights Settlement Act of 1992

United States 105th Congress

Follow this and additional works at: <http://digitalrepository.unm.edu/nawrs>

 Part of the [Indian and Aboriginal Law Commons](#)

---

## Preferred Citation

PL 105-256, §10, 112 Stat. 1896

This Other is brought to you for free and open access by the Native American Water Rights Settlement Project (NAWRS) at UNM Digital Repository. It has been accepted for inclusion in Native American Water Rights Settlement Project by an authorized administrator of UNM Digital Repository. For more information, please contact [amywinter@unm.edu](mailto:amywinter@unm.edu).

PUBLIC LAW 105-256—OCT. 14, 1998

TECHNICAL CORRECTIONS IN LAWS  
RELATING TO NATIVE AMERICANS

Public Law 105-256  
105th Congress

An Act

Oct. 14, 1998  
[H.R. 4068]

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

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

**SECTION 1. AUTHORIZATION FOR 99-YEAR LEASES.**

The second sentence of subsection (a) of the first section of the Act entitled “An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases”, approved August 9, 1955 (25 U.S.C. 415(a)), is amended—

(1) by inserting “lands held in trust for the Confederated Tribes of the Grand Ronde Community of Oregon,” after “lands held in trust for the Cahuilla Band of Indians of California,”; and

(2) by inserting “the Cabazon Indian Reservation,” after “the Navajo Reservation.”.

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

Section 1(c) of the Act entitled “An Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes”, approved September 9, 1988 (25 U.S.C. 713f note; 102 Stat. 1594), is amended—

(1) by striking “10,120.68 acres of land” and inserting “10,311.60 acres of land”; and

(2) by striking all in the table after:

“4	7	30	Lots 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$	240”;
----	---	----	---	-------

and inserting the following:

“6	8	1	N $\frac{1}{2}$ SW $\frac{1}{4}$	29.59
6	8	12	W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	21.70
6	8	13	W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.31
6	7	7	E $\frac{1}{2}$ E $\frac{1}{2}$	57.60
6	7	8	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$	22.46

6	7	17	NW¼NW¼, N½SW¼NW¼	10.84
6	7	18	E½NE¼	43.42
Total				10,311.60".

**SEC. 3. NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT.**

Section 12 of the Navajo-Hopi Land Dispute Settlement Act of 1996 (110 Stat. 3653) is amended—

25 USC 640d  
note.

- (1) in subsection (a)(1)(C), by inserting “of surface water” after “on such lands”; and
- (2) in subsection (b), by striking “subsection (a)(3)” each place it appears and inserting “subsection (a)(1)(C)”.

**SEC. 4. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.**

(a) IN GENERAL.—The Secretary of the Interior shall take such action as may be necessary to extend the terms of the projects referred to in section 512 of the Indian Health Care Improvement Act (25 U.S.C. 1660b) so that the term of each such project expires on October 1, 2002.

Expiration date.  
25 USC 1660b  
note.

(b) AMENDMENT TO INDIAN HEALTH CARE IMPROVEMENT ACT.—Section 512 of the Indian Health Care Improvement Act (25 U.S.C. 1660b) is amended by adding at the end the following:

“(c) In addition to the amounts made available under section 514 to carry out this section through fiscal year 2000, there are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2001 and 2002.”

Appropriation  
authorization.

**SEC. 5. CONFEDERATED TRIBES OF COOS, LOWER UMPQUA, AND SIUSLAW INDIANS RESERVATION ACT.**

Section 7(b) of the Coos, Lower Umpqua, and Siuslaw Restoration Act (25 U.S.C. 714e(b)) is amended by adding at the end the following:

“(4) In Lane County, Oregon, a parcel described as beginning at the common corner to sections 23, 24, 25, and 26 township 18 south, range 12 west, Willamette Meridian; then west 25 links; then north 2 chains and 50 links; then east 25 links to a point on the section line between sections 23 and 24; then south 2 chains and 50 links to the place of origin, and containing .062 of an acre, more or less, situated and lying in section 23, township 18 south, range 12 west, of Willamette Meridian.”

**SEC. 6. HOOPA VALLEY RESERVATION BOUNDARY ADJUSTMENT.**

Section 2(b) of the Hoopa Valley Reservation South Boundary Adjustment Act (25 U.S.C. 1300i-1 note) is amended—

- (1) by striking “north 72 degrees 30 minutes east” and inserting “north 73 degrees 50 minutes east”; and
- (2) by striking “south 15 degrees 59 minutes east” and inserting “south 14 degrees 36 minutes east”.

**SEC. 7. CLARIFICATION OF SERVICE AREA FOR CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON.**

Section 2 of the Act entitled “An Act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon”, approved September 4, 1980 (25 U.S.C. 711e note; 94 Stat. 1073), is amended by adding at the end the following:

“(c) Subject to the express limitations under sections 4 and 5, for purposes of determining eligibility for Federal assistance programs, the service area of the Confederated Tribes of the Siletz Indians of Oregon shall include Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties in Oregon.”.

Minnesota.

**SEC. 8. LOWER SIOUX INDIAN COMMUNITY.**

Notwithstanding any other provision of law, the Lower Sioux Indian Community in Minnesota is hereby authorized to sell, convey, and warrant to a buyer, without further approval of the United States, all the Community’s interest in the following real property located in Redwood County, Minnesota:

A tract of land located in the Northeast Quarter (NE¼) of Section Five (5), Township One Hundred Twelve (112) North, Range Thirty-five (35) West, County of Redwood and State of Minnesota, described as follows: Commencing at the north quarter corner of Section 5 in Township 112 North, Range 35 West of the 5th Principal Meridian; thence east a distance of 678 feet; thence south a distance of 650 feet; thence South 45 degrees West a distance of 367.7 feet; thence west a distance of 418 feet to a point situated on the north and south quarter line of said Section 5; thence north a distance of 910 feet to the place of beginning, subject to highway easements of record, and containing 13.38 acres, more or less.

Nothing in this section is intended to authorize the Lower Sioux Indian Community in Minnesota to sell any of its lands that are held in trust by the United States.

Oregon.

**SEC. 9. FEDERAL TRUST EMPLACEMENT OF TRIBAL LANDS.**

The Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712 et seq.) is amended by adding at the end the following new section:

25 USC 712e.

**“SEC. 7. CERTAIN PROPERTY TAKEN INTO TRUST.**

“The Secretary of the Interior shall accept title to 2000 acres of real property and may accept title to any additional number of acres of real property located in Umpqua River watershed upstream from Scottsburg, Oregon, or the northern slope of the Rogue River watershed upstream from Agness, Oregon, if such real property is conveyed or otherwise transferred to the United States by or on behalf of the Tribe. The Secretary shall take into trust for the benefit of the Tribe all real property conveyed or otherwise transferred to the United States pursuant to this section. Real property taken into trust pursuant to this section shall become part of the Tribe’s reservation. Real property taken into trust pursuant to this section shall not be considered to have been taken into trust for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).”.

**SEC. 10. AMENDMENTS TO THE JICARILLA APACHE TRIBE WATER RIGHTS SETTLEMENT ACT.**

106 Stat. 4752.

(a) Section 8(e)(3) of the Jicarilla Apache Tribe Water Rights Settlement Act, as amended by Public Law 104-261, is further amended by striking “December 31, 1998” and inserting “December 31, 2000”.

(b) The Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441) is amended by adding at the end the following new section:

**“SEC. 12. APPROVAL OF STIPULATION.**

“Notwithstanding any other provision of Federal law, including section 2116 of the Revised Statutes (25 U.S.C. 177), the Stipulation and Settlement Agreement, dated October 7, 1997, between the Jicarilla Apache Tribe and other parties to State of New Mexico v. Aragon, No. CIV-7941 JC, U.S. Dist. Ct., D.N.M., approved by the United States District Court in that proceeding, is hereby approved.”.

**SEC. 11. SAN LUIS REY INDIAN WATER RIGHTS SETTLEMENT ACT.**

Section 105(c) of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100-675; 102 Stat. 4000), as amended by section 117 of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102-154; 105 Stat. 1012-1013), is amended—

(1) by inserting “(1)” before “Until”; and

(2) by adding at the end the following new paragraph:

“(2) Notwithstanding paragraph (1), prior to completion of the final settlement and as soon as feasible, the Secretary is authorized and directed to disburse a total of \$8,000,000, of which \$1,600,000 will go to each of the Bands, from the interest income which has accrued to the Fund. The disbursed funds shall be invested or used for economic development of the Bands, the Bands’ reservation land, and their members and may not be used for per capita payments to members of any Band. The United States shall not be liable for any claim or causes of action arising from the Bands’ use or expenditure of moneys distributed from the Fund.”.

**SEC. 12. NATIVE HAWAIIAN HEALTH SCHOLARSHIP PROGRAM.**

(a) **ELIGIBILITY.**—Section 10(a)(1) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709(a)(1)) is amended by striking “meet the requirements of section 338A of the Public Health Service Act (42 U.S.C. 2541)” and inserting “meet the requirements of paragraphs (1), (3), and (4) of section 338A(b) of the Public Health Service Act (42 U.S.C. 2541(b))”.

(b) **TERMS AND CONDITIONS.**—Section 10(b)(1) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709(b)(1)) is amended—

(1) in subparagraph (A), by inserting “identified in the Native Hawaiian comprehensive health care master plan implemented under section 4” after “health care professional”;

(2) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(3) by inserting after subparagraph (A) the following:

“(B) the primary health services covered under the scholarship assistance program under this section shall be the services included under the definition of that term under section 12(8);”;

(4) by striking subparagraph (D), as redesignated, and inserting the following:

“(D) the obligated service requirement for each scholarship recipient shall be fulfilled through the full-time clinical or nonclinical practice of the health profession of the scholarship recipient, in an order of priority that would provide for practice—

“(i) first, in any one of the five Native Hawaiian health care systems; and

“(ii) second, in—

“(I) a health professional shortage area or medically underserved area located in the State of Hawaii; or

“(II) a geographic area or facility that is—

“(aa) located in the State of Hawaii; and

“(bb) has a designation that is similar to a designation described in subclause (I) made by the Secretary, acting through the Public Health Service;”;

(5) in subparagraph (E), as redesignated, by striking the period and inserting a comma; and

(6) by adding at the end the following:

“(F) the obligated service of a scholarship recipient shall not be performed by the recipient through membership in the National Health Service Corps; and

“(G) the requirements of sections 331 through 338 of the Public Health Service Act (42 U.S.C. 254d through 254k), section 338C of that Act (42 U.S.C. 254m), other than subsection (b)(5) of that section, and section 338D of that Act (42 U.S.C. 254n) applicable to scholarship assistance provided under section 338A of that Act (42 U.S.C. 254l) shall not apply to the scholarship assistance provided under subsection (a) of this section.”.

#### **SEC. 13. MISCELLANEOUS TECHNICAL CORRECTIONS.**

(a) **AUTHORIZATION.**—Section 711(h) of the Indian Health Care Improvement Act (25 U.S.C. 1665j(h)) is amended by striking “of the fiscal years” and inserting “of fiscal years”.

(b) **REFERENCE.**—Section 4(12)(B) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12)(B)) is amended by striking “Indian Self-Determination and Education Assistance Act of 1975” and inserting “Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)”.

#### **SEC. 14. REPEAL.**

111 Stat. 1599.  
110 Stat. 3956.

Section 326(d)(1) of Public Law 105-83 is repealed and section 1004(a) of Public Law 104-324 is amended by inserting “sale or” before “use”.

Approved October 14, 1998.

---

#### **LEGISLATIVE HISTORY—H.R. 4068:**

HOUSE REPORTS: No. 105-733 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Sept. 23, considered and passed House.

Oct. 1, considered and passed Senate.

