

PUBLIC LAW 106-568—DEC. 27, 2000

OMNIBUS INDIAN ADVANCEMENT ACT

Public Law 106–568
106th Congress

An Act

Dec. 27, 2000
[H.R. 5528]

To authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

Omnibus Indian
Advancement
Act.
25 USC 4101
note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Omnibus Indian Advancement Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY IRRIGATION WORKS

- Sec. 101. Findings.
- Sec. 102. Conveyance and operation of irrigation works.
- Sec. 103. Relationship to other laws.

TITLE II—NATIVE HAWAIIAN HOUSING ASSISTANCE

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Housing assistance.
- Sec. 204. Loan guarantees for Native Hawaiian housing.

TITLE III—COUSHATTA TRIBE OF LOUISIANA LAND TRANSACTIONS

- Sec. 301. Approval not required to validate land transactions.

TITLE IV—WAKPA SICA RECONCILIATION PLACE

- Sec. 401. Findings.
- Sec. 402. Definitions.

Subtitle A—Reconciliation Center

- Sec. 411. Reconciliation center.
- Sec. 412. Sioux Nation Tribal Supreme Court.
- Sec. 413. Legal jurisdiction not affected.

Subtitle B—GAO Study

- Sec. 421. GAO study.

TITLE V—EXPENDITURE OF FUNDS BY ZUNI INDIAN TRIBE

- Sec. 501. Expenditure of funds by tribe authorized.

TITLE VI—TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT

- Sec. 601. Short title.
- Sec. 602. Congressional findings and purpose.
- Sec. 603. Definitions.

- Sec. 604. Ratification of settlement agreement.
- Sec. 605. Settlement funds.
- Sec. 606. Trust land acquisition and status.
- Sec. 607. Permanent flowage easements.
- Sec. 608. Satisfaction of claims, waivers, and releases.
- Sec. 609. Miscellaneous provisions.
- Sec. 610. Authorization of appropriations.
- Sec. 611. Effective date.

TITLE VII—SHAWNEE TRIBE STATUS

- Sec. 701. Short title.
- Sec. 702. Findings.
- Sec. 703. Definitions.
- Sec. 704. Federal recognition, trust relationship, and program eligibility.
- Sec. 705. Establishment of a tribal roll.
- Sec. 706. Organization of the tribe; tribal constitution.
- Sec. 707. Tribal land.
- Sec. 708. Jurisdiction.
- Sec. 709. Individual Indian land.
- Sec. 710. Treaties not affected.

TITLE VIII—TECHNICAL CORRECTIONS

- Sec. 801. Short title.

Subtitle A—Miscellaneous Technical Provisions

- Sec. 811. Technical correction to an Act affecting the status of Mississippi Choctaw lands and adding such lands to the Choctaw Reservation.
- Sec. 812. Technical corrections concerning the Five Civilized Tribes of Oklahoma.
- Sec. 813. Waiver of repayment of expert assistance loans to the Red Lake Band of Chippewa Indians and the Minnesota Chippewa Tribes.
- Sec. 814. Technical amendment to the Indian Child Protection and Family Violence Protection Act.
- Sec. 815. Technical amendment to extend the authorization period under the Indian Health Care Improvement Act.
- Sec. 816. Technical amendment to extend the authorization period under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.
- Sec. 817. Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.
- Sec. 818. Technical amendment regarding the treatment of certain income for purposes of Federal assistance.
- Sec. 819. Land to be taken into trust.

Subtitle B—Santa Fe Indian School

- Sec. 821. Short title.
- Sec. 822. Definitions.
- Sec. 823. Transfer of certain lands for use as the Santa Fe Indian School.
- Sec. 824. Land use.

TITLE IX—CALIFORNIA INDIAN LAND TRANSFER

- Sec. 901. Short title.
- Sec. 902. Lands held in trust for various tribes of California Indians.
- Sec. 903. Miscellaneous provisions.

TITLE X—NATIVE AMERICAN HOMEOWNERSHIP

- Sec. 1001. Lands Title Report Commission.
- Sec. 1002. Loan guarantees.
- Sec. 1003. Native American housing assistance.

TITLE XI—INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES

- Sec. 1101. Short title.
- Sec. 1102. Findings, purposes.
- Sec. 1103. Amendments to the Indian Employment, Training and Related Services Demonstration Act of 1992.
- Sec. 1104. Report on expanding the opportunities for program integration.

TITLE XII—NAVAJO NATION TRUST LAND LEASING

- Sec. 1201. Short title.
- Sec. 1202. Congressional findings and declaration of purposes.
- Sec. 1203. Lease of restricted lands for the Navajo Nation.



(1) **IN GENERAL.**—The Tribe shall be eligible to have land acquired in trust for its benefit pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465) and section 1 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501).

(2) **CERTAIN LAND IN OKLAHOMA.**—Notwithstanding any other provision of law but subject to subsection (b), if the Tribe transfers any land within the boundaries of the State of Oklahoma to the Secretary, the Secretary shall take such land into trust for the benefit of the Tribe.

(b) **RESTRICTION.**—No land recognized by the Secretary to be within the Cherokee Nation or any other Indian tribe may be taken into trust for the benefit of the Tribe under this section without the consent of the Cherokee Nation or such other tribe, respectively.

25 USC 1041f.

SEC. 708. JURISDICTION.

(a) **IN GENERAL.**—The Tribe shall have jurisdiction over trust land and restricted land of the Tribe and its members to the same extent that the Cherokee Nation has jurisdiction over land recognized by the Secretary to be within the Cherokee Nation and its members, but only if such land—

(1) is not recognized by the Secretary to be within the jurisdiction of another federally recognized tribe; or

(2) has been placed in trust or restricted status with the consent of the federally recognized tribe within whose jurisdiction the Secretary recognizes the land to be, and only to the extent that the Tribe’s jurisdiction has been agreed to by that host tribe.

(b) **RULE OF CONSTRUCTION.**—Nothing in this title shall be construed to diminish or otherwise limit the jurisdiction of any Indian tribe that is federally recognized on the day before the date of the enactment of this Act over trust land, restricted land, or other forms of Indian country of that Indian tribe on such date.

25 USC 1041g.

SEC. 709. INDIVIDUAL INDIAN LAND.

Nothing in this title shall be construed to affect the restrictions against alienation of any individual Indian’s land and those restrictions shall continue in force and effect.

25 USC 1041h.

SEC. 710. TREATIES NOT AFFECTED.

No provision of this title shall be construed to constitute an amendment, modification, or interpretation of any treaty to which a tribe referred to in this title is a party nor to any right secured to such a tribe or to any other tribe by any treaty.

Native American
Laws Technical
Corrections Act
of 2000.
25 USC 450 note.

TITLE VIII—TECHNICAL CORRECTIONS**SEC. 801. SHORT TITLE.**

This title may be cited as the “Native American Laws Technical Corrections Act of 2000”.

Subtitle A—Miscellaneous Technical Provisions

SEC. 811. TECHNICAL CORRECTION TO AN ACT AFFECTING THE STATUS OF MISSISSIPPI CHOCTAW LANDS AND ADDING SUCH LANDS TO THE CHOCTAW RESERVATION.

Section 1(a)(2) of Public Law 106-228 (an Act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes) is amended by striking “September 28, 1999” and inserting “February 7, 2000”.

Ante, p. 462.

SEC. 812. TECHNICAL CORRECTIONS CONCERNING THE FIVE CIVILIZED TRIBES OF OKLAHOMA.

(a) INDIAN SELF-DETERMINATION ACT.—Section 1(b)(15)(A) of the model agreement set forth in section 108(c) of the Indian Self-Determination Act (25 U.S.C. 450l(c)) is amended—

(1) by striking “and section 16” and inserting “, section 16”; and

(2) by striking “shall not” and inserting “and the Act of July 3, 1952 (25 U.S.C. 82a), shall not”.

(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 403(h)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc(h)(2)) is amended—

(1) by striking “and section” and inserting “section”; and

(2) by striking “shall not” and inserting “and the Act of July 3, 1952 (25 U.S.C. 82a), shall not”.

(c) REPEALS.—The following provisions of law are repealed:

(1) Section 2106 of the Revised Statutes (25 U.S.C. 84).

(2) Sections 438 and 439 of title 18, United States Code.

SEC. 813. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE RED LAKE BAND OF CHIPPEWA INDIANS AND THE MINNESOTA CHIPPEWA TRIBES.

(a) RED LAKE BAND OF CHIPPEWA INDIANS.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Red Lake Band of Chippewa Indians under the authority of Public Law 88-168 (77 Stat. 301), and relating to *Red Lake Band v. United States* (United States Court of Federal Claims Docket Nos. 189 A, B, C), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Red Lake Band of Chippewa Indians from any liability associated with such loans.

(b) MINNESOTA CHIPPEWA TRIBE.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Minnesota Chippewa Tribe under the authority of Public Law 88-168 (77 Stat. 301), and relating to *Minnesota Chippewa Tribe v. United States* (United States Court of Federal Claims Docket Nos. 19 and 188), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Minnesota Chippewa Tribe from any liability associated with such loans.

SEC. 814. TECHNICAL AMENDMENT TO THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PROTECTION ACT.

Section 408(b) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207(b)) is amended—

- (1) by striking “any offense” and inserting “any felonious offense, or any of two or more misdemeanor offenses,”; and
- (2) by striking “or crimes against persons” and inserting “crimes against persons; or offenses committed against children”.

SEC. 815. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN HEALTH CARE IMPROVEMENT ACT.

The authorization of appropriations for, and the duration of, each program or activity under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is extended through fiscal year 2001.

SEC. 816. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.

The authorization of appropriations for, and the duration of, each program or activity under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.) is extended through fiscal year 2001.

SEC. 817. MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION.

(a) **AUTHORITY.**—Section 6(7) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604(7)) is amended by inserting before the semicolon at the end the following: “, by conducting management and leadership training of Native Americans, Alaska Natives, and others involved in tribal leadership, providing assistance and resources for policy analysis, and carrying out other appropriate activities.”

(b) **ADMINISTRATIVE PROVISIONS.**—Section 12(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608(b)) is amended by inserting before the period at the end the following: “and to the activities of the Foundation under section 6(7)”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by adding at the end the following:

“(c) **TRAINING OF PROFESSIONALS IN HEALTH CARE AND PUBLIC POLICY.**—There is authorized to be appropriated to carry out section 6(7) \$12,300,000 for the 5-fiscal year period beginning with the fiscal year in which this subsection is enacted.”

SEC. 818. TECHNICAL AMENDMENT REGARDING THE TREATMENT OF CERTAIN INCOME FOR PURPOSES OF FEDERAL ASSISTANCE.

Section 7 of the Act of October 19, 1973 (25 U.S.C. 1407) is amended—

- (1) in paragraph (2), by striking “or” at the end;
- (2) in paragraph (3), by adding “or” at the end; and
- (3) by inserting after paragraph (3), the following:

“(4) are paid by the State of Minnesota to the Bois Forte Band of Chippewa Indians pursuant to the agreements of such Band to voluntarily restrict tribal rights to hunt and fish in territory cede under the Treaty of September 30, 1854 (10 Stat. 1109), including all interest accrued on such funds during any period in which such funds are held in a minor’s trust.”.

SEC. 819. LAND TO BE TAKEN INTO TRUST.

Notwithstanding any other provision of law, the Secretary of the Interior shall accept for the benefit of the Lytton Rancheria of California the land described in that certain grant deed dated and recorded on October 16, 2000, in the official records of the County of Contra Costa, California, Deed Instrument Number 2000-229754. The Secretary shall declare that such land is held in trust by the United States for the benefit of the Rancheria and that such land is part of the reservation of such Rancheria under sections 5 and 7 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 467). Such land shall be deemed to have been held in trust and part of the reservation of the Rancheria prior to October 17, 1988.

Subtitle B—Santa Fe Indian School

Santa Fe Indian
School Act.

SEC. 821. SHORT TITLE.

This subtitle may be cited as the “Santa Fe Indian School Act”.

SEC. 822. DEFINITIONS.

In this subtitle:

(1) **19 PUEBLOS.**—The term “19 Pueblos” means the Indian pueblos of Acoma, Cochiti Isleta, Jemen, Laguna, Nambe, Picuris, Pojoaque, San Felipe, San Ildefonso, San Juan, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni.

(2) **SANTA FE INDIAN SCHOOL, INC.**—The term “Santa Fe Indian School, Inc.” means a corporation chartered under laws of the State of New Mexico.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 823. TRANSFER OF CERTAIN LANDS FOR USE AS THE SANTA FE INDIAN SCHOOL.

(a) **IN GENERAL.**—All right, title, and interest of the United States in and to the land, including improvements and appurtenances thereto, described in subsection (b) are declared to be held in trust for the benefit of the 19 Pueblos of New Mexico.

(b) **LAND.**—

(1) **IN GENERAL.**—The land described in this subsection is the tract of land, located in the city and county of Santa Fe, New Mexico, upon which the Santa Fe Indian School is located and more particularly described as all that certain real property, excluding the tracts described in paragraph (2), as shown in the United States General Land Office Plat of the United States Indian School Tract dated March 19, 1937, and recorded at Book 363, Page 024, Office of the Clerk, Santa Fe County, New Mexico, containing a total acreage of 131.43 acres, more or less.

(2) EXCLUSIONS.—The excluded tracts described in this paragraph are all portions of any tracts heretofore conveyed by the deeds recorded in the Office of the Clerk, Santa Fe County, New Mexico, at—

(A) Book 114, Page 106, containing 0.518 acres, more or less;

(B) Book 122, Page 45, containing 0.238 acres, more or less;

(C) Book 123, Page 228, containing 14.95, more or less; and

(D) Book 130, Page 84, containing 0.227 acres, more or less,

leaving, as the net acreage to be included in the land described in paragraph (1) and taken into trust pursuant to subsection (a), a tract containing 115.5 acres, more or less.

(c) LIMITATIONS AND CONDITIONS.—The land taken into trust pursuant to subsection (a) shall remain subject to—

(1) any existing encumbrances, rights of way, restrictions, or easements of record;

(2) the right of the Indian Health Service to continue use and occupancy of 10.23 acres of such land which are currently occupied by the Santa Fe Indian Hospital and its parking facilities as more fully described as Parcel “A” in legal description No. Pd-K-51-06-01 and recorded as Document No. 059-3-778, Bureau of Indian Affairs Land Title & Records Office, Albuquerque, New Mexico; and

(3) the right of the United States to use, without cost, additional portions of land transferred pursuant to this section, which are contiguous to the land described in paragraph (2), for purposes of the Indian Health Service.

SEC. 824. LAND USE.

(a) LIMITATION FOR EDUCATIONAL AND CULTURAL PURPOSES.—The land taken into trust under section 823(a) shall be used solely for the educational, health, or cultural purposes of the Santa Fe Indian School, including use for related non-profit or technical programs, as operated by Santa Fe Indian School, Inc. on the date of the enactment of this Act.

(b) REVERSION.—

(1) IN GENERAL.—If the Secretary determines that the land taken into trust under section 823(a) is not being used as required under subsection (a), the Secretary shall provide appropriate notice to the 19 Pueblos of such noncompliance and require the 19 Pueblos to comply with the requirements of this subtitle.

(2) CONTINUED FAILURE TO COMPLY.—If the Secretary, after providing notice under paragraph (1) and after the expiration of a reasonable period of time, determines that the noncompliance that was the subject of the notice has not been corrected, the land shall revert to the United States.

(c) APPLICABILITY OF LAWS.—Except as otherwise provided in this subtitle, the land taken into trust under section 823(a) shall be subject to the laws of the United States relating to Indian lands.

(d) GAMING.—Gaming, as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), shall be prohibited on the land taken into trust under subsection (a).