

106TH CONGRESS  
2D SESSION

# H. R. 5528

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## AN ACT

To authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, 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,*

**1 SECTION 1. SHORT TITLE.**

**2** This Act may be cited as the “Omnibus Indian Ad-  
**3** vancement Act”.

**4 SEC. 2. TABLE OF CONTENTS.**

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1 **TITLE I—SALT RIVER PIMA-MAR-**  
2 **ICOPA INDIAN COMMUNITY**  
3 **IRRIGATION WORKS**

4 **SEC. 101. FINDINGS.**

5 The Congress finds and declares that—

6 (1) it is the policy of the United States, in ful-  
7 fillment of its trust responsibility to Indian tribes, to  
8 promote Indian self-determination and economic  
9 self-sufficiency;

10 (2) the Salt River Pima-Maricopa Indian Com-  
11 munity (hereinafter referred to as the “Commu-  
12 nity”) has operated the irrigation works within the  
13 Community’s reservation since November 1997 and  
14 is capable of fully managing the operation of these  
15 irrigation works;

16 (3) considering that the irrigation works, which  
17 are comprised primarily of canals, ditches, irrigation  
18 wells, storage reservoirs, and sump ponds located ex-  
19 clusively on lands held in trust for the Community  
20 and allottees, have been operated generally the same  
21 for over 100 years, the irrigation works will continue  
22 to be used for the distribution and delivery of water;

23 (4) considering that the operational manage-  
24 ment of the irrigation works has been carried out by  
25 the Community as indicated in paragraph (2), the

1 conveyance of ownership of such works to the Com-  
 2 munity is viewed as an administrative action;

3 (5) the Community's laws and regulations are  
 4 in compliance with section 102(b); and

5 (6) in light of the foregoing and in order to—

6 (A) promote Indian self-determination, eco-  
 7 nomic self-sufficiency, and self-governance;

8 (B) enable the Community in its develop-  
 9 ment of a diverse, efficient reservation economy;  
 10 and

11 (C) enable the Community to better serve  
 12 the water needs of the water users within the  
 13 Community,

14 it is appropriate in this instance that the United  
 15 States convey to the Community the ownership of  
 16 the irrigation works.

17 **SEC. 102. CONVEYANCE AND OPERATION OF IRRIGATION**  
 18 **WORKS.**

19 (a) CONVEYANCE.—The Secretary of the Interior, as  
 20 soon as is practicable after the date of the enactment of  
 21 this Act, and in accordance with the provisions of this title  
 22 and all other applicable law, shall convey to the Commu-  
 23 nity any or all rights and interests of the United States  
 24 in and to the irrigation works on the Community's res-  
 25 ervation which were formerly operated by the Bureau of

1 Indian Affairs. Notwithstanding the provisions of sections  
2 1 and 3 of the Act of April 4, 1910 (25 U.S.C. 385) and  
3 sections 1, 2, and 3 of the Act of August 7, 1946 (25  
4 U.S.C. 385a, 385b, and 385c) and any implementing reg-  
5 ulations, during the period between the date of the enact-  
6 ment of this Act and the conveyance of the irrigation  
7 works by the United States to the Community, the Com-  
8 munity shall operate the irrigation works under the provi-  
9 sions set forth in this title and in accordance with the In-  
10 dian Self-Determination and Education Assistance Act  
11 (25 U.S.C. 450 et seq.), including retaining and expending  
12 operations and maintenance collections for irrigation  
13 works purposes. Effective upon the date of conveyance of  
14 the irrigation works, the Community shall have the full  
15 ownership of and operating authority over the irrigation  
16 works in accordance with the provisions of this title.

17 (b) FULFILLMENT OF FEDERAL TRUST RESPON-  
18 SIBILITIES.—To assure compliance with the Federal trust  
19 responsibilities of the United States to Indian tribes, indi-  
20 vidual Indians and Indians with trust allotments, includ-  
21 ing such trust responsibilities contained in Salt River  
22 Pima-Maricopa Indian Community Water Rights Settle-  
23 ment Act of 1988 (Public Law 100–512), the Community  
24 shall operate the irrigation works consistent with this title  
25 and under uniform laws and regulations adopted by the

1 Community for the management, regulation, and control  
2 of water resources on the reservation so as to assure fair-  
3 ness in the delivery of water to water users. Such Commu-  
4 nity laws and regulations include currently and shall con-  
5 tinue to include provisions to maintain the following re-  
6 quirements and standards which shall be published and  
7 made available to the Secretary and the Community at  
8 large:

9           (1) PROCESS.—A process by which members of  
10 the Community, including Indian allottees, shall be  
11 provided a system of distribution, allocation, control,  
12 pricing and regulation of water that will provide a  
13 just and equitable distribution of water so as to  
14 achieve the maximum beneficial use and conserva-  
15 tion of water in recognition of the demand on the  
16 water resource, the changing uses of land and water  
17 and the varying annual quantity of available Com-  
18 munity water.

19           (2) DUE PROCESS.—A due process system for  
20 the consideration and determination of any request  
21 by an Indian or Indian allottee for distribution of  
22 water for use on his or her land, including a process  
23 for appeal and adjudication of denied or disputed  
24 distributions and for resolution of contested adminis-  
25 trative decisions.



1       (c) SUBSEQUENT MODIFICATION OF LAWS AND REG-  
2       ULATIONS.—If the provisions of the Community’s laws  
3       and regulations implementing subsection (b) only are to  
4       be modified subsequent to the date of the enactment of  
5       this Act by the Community, such proposed modifications  
6       shall be published and made available to the Secretary at  
7       least 120 days prior to their effective date and any modi-  
8       fication that could significantly adversely affect the rights  
9       of allottees shall only become effective upon the concur-  
10      rence of both the Community and the Secretary.

11      (d) LIMITATIONS OF LIABILITY.—Effective upon the  
12      date of the enactment of this Act, the United States shall  
13      not be liable for damages of any kind arising out of any  
14      act, omission, or occurrence based on the Community’s  
15      ownership or operation of the irrigation works, except for  
16      damages caused by acts of negligence committed by the  
17      United States prior to the date of the enactment of this  
18      Act. Nothing in this section shall be deemed to increase  
19      the liability of the United States beyond that currently  
20      provided in the Federal Tort Claims Act (28 U.S.C. 2671  
21      et seq.).

22      (e) CANCELLATION OF CHARGES.—Effective upon  
23      the date of conveyance of the irrigation works under this  
24      section, any charges for construction of the irrigation  
25      works on the reservation of the Community that have been

1 deferred pursuant to the Act of July 1, 1932 (25 U.S.C.  
2 386a) are hereby canceled.

3 (f) PROJECT NO LONGER A BIA PROJECT.—Effec-  
4 tive upon the date of conveyance of the irrigation works  
5 under this section, the irrigation works shall no longer be  
6 considered a Bureau of Indian Affairs irrigation project  
7 and the facilities will not be eligible for Federal benefits  
8 based solely on the fact that the irrigation works were for-  
9 merly a Bureau of Indian Affairs irrigation project. Noth-  
10 ing in this title shall be construed to limit or reduce in  
11 any way the service, contracts, or funds the Community  
12 may be eligible to receive under other applicable Federal  
13 law.

14 **SEC. 103. RELATIONSHIP TO OTHER LAWS.**

15 Nothing in this title shall be construed to diminish  
16 the trust responsibility of the United States under applica-  
17 ble law to the Salt River Pima-Maricopa Indian Commu-  
18 nity, to individual Indians, or to Indians with trust allot-  
19 ments within the Community’s reservation.

20 **TITLE II—NATIVE HAWAIIAN**  
21 **HOUSING ASSISTANCE**

22 **SEC. 201. SHORT TITLE.**

23 This title may be cited as the “Hawaiian Homelands  
24 Homeownership Act of 2000”.

1 **SEC. 202. FINDINGS.**

2 Congress finds that—

3 (1) the United States has undertaken a respon-  
4 sibility to promote the general welfare of the United  
5 States by—

6 (A) employing its resources to remedy the  
7 unsafe and unsanitary housing conditions and  
8 the acute shortage of decent, safe, and sanitary  
9 dwellings for families of lower income; and

10 (B) developing effective partnerships with  
11 governmental and private entities to accomplish  
12 the objectives referred to in subparagraph (A);

13 (2) the United States has a special responsi-  
14 bility for the welfare of the Native peoples of the  
15 United States, including Native Hawaiians;

16 (3) pursuant to the provisions of the Hawaiian  
17 Homes Commission Act, 1920 (42 Stat. 108 et  
18 seq.), the United States set aside 200,000 acres of  
19 land in the Federal territory that later became the  
20 State of Hawaii in order to establish a homeland for  
21 the native people of Hawaii—Native Hawaiians;

22 (4) despite the intent of Congress in 1920 to  
23 address the housing needs of Native Hawaiians  
24 through the enactment of the Hawaiian Homes  
25 Commission Act, 1920 (42 Stat. 108 et seq.), Native  
26 Hawaiians eligible to reside on the Hawaiian home

1 lands have been foreclosed from participating in  
2 Federal housing assistance programs available to all  
3 other eligible families in the United States;

4 (5) although Federal housing assistance pro-  
5 grams have been administered on a racially neutral  
6 basis in the State of Hawaii, Native Hawaiians con-  
7 tinue to have the greatest unmet need for housing  
8 and the highest rates of overcrowding in the United  
9 States;

10 (6) among the Native American population of  
11 the United States, Native Hawaiians experience the  
12 highest percentage of housing problems in the  
13 United States, as the percentage—

14 (A) of housing problems in the Native Ha-  
15 waiian population is 49 percent, as compared  
16 to—

17 (i) 44 percent for American Indian  
18 and Alaska Native households in Indian  
19 country; and

20 (ii) 27 percent for all other house-  
21 holds in the United States; and

22 (B) overcrowding in the Native Hawaiian  
23 population is 36 percent as compared to 3 per-  
24 cent for all other households in the United  
25 States;

1           (7) among the Native Hawaiian population, the  
2           needs of Native Hawaiians, as that term is defined  
3           in section 801 of the Native American Housing As-  
4           sistance and Self-Determination Act of 1996, as  
5           added by section 203 of this Act, eligible to reside  
6           on the Hawaiian Home Lands are the most severe,  
7           as—

8                   (A) the percentage of overcrowding in Na-  
9                   tive Hawaiian households on the Hawaiian  
10                  Home Lands is 36 percent; and

11                  (B) approximately 13,000 Native Hawai-  
12                  ians, which constitute 95 percent of the Native  
13                  Hawaiians who are eligible to reside on the Ha-  
14                  waiian Home Lands, are in need of housing;

15           (8) applying the Department of Housing and  
16           Urban Development guidelines—

17                   (A) 70.8 percent of Native Hawaiians who  
18                   either reside or who are eligible to reside on the  
19                   Hawaiian Home Lands have incomes that fall  
20                   below the median family income; and

21                   (B) 50 percent of Native Hawaiians who  
22                   either reside or who are eligible to reside on the  
23                   Hawaiian Home Lands have incomes below 30  
24                   percent of the median family income;

1           (9)  $\frac{1}{3}$  of those Native Hawaiians who are eligi-  
2       ble to reside on the Hawaiian Home Lands pay  
3       more than 30 percent of their income for shelter,  
4       and  $\frac{1}{2}$  of those Native Hawaiians face overcrowding;

5           (10) the extraordinarily severe housing needs of  
6       Native Hawaiians demonstrate that Native Hawai-  
7       ians who either reside on, or are eligible to reside on,  
8       Hawaiian Home Lands have been denied equal ac-  
9       cess to Federal low-income housing assistance pro-  
10      grams available to other qualified residents of the  
11      United States, and that a more effective means of  
12      addressing their housing needs must be authorized;

13          (11) consistent with the recommendations of  
14      the National Commission on American Indian, Alas-  
15      ka Native, and Native Hawaiian Housing, and in  
16      order to address the continuing prevalence of ex-  
17      traordinarily severe housing needs among Native  
18      Hawaiians who either reside or are eligible to reside  
19      on the Hawaiian Home Lands, Congress finds it  
20      necessary to extend the Federal low-income housing  
21      assistance available to American Indians and Alaska  
22      Natives under the Native American Housing Assist-  
23      ance and Self-Determination Act of 1996 (25 U.S.C.  
24      4101 et seq.) to those Native Hawaiians;

1           (12) under the treaty-making power of the  
2       United States, Congress had the constitutional au-  
3       thority to confirm a treaty between the United  
4       States and the government that represented the Ha-  
5       waiian people, and from 1826 until 1893, the United  
6       States recognized the independence of the Kingdom  
7       of Hawaii, extended full diplomatic recognition to  
8       the Hawaiian Government, and entered into treaties  
9       and conventions with the Hawaiian monarchs to gov-  
10      ern commerce and navigation in 1826, 1842, 1849,  
11      1875, and 1887;

12           (13) the United States has recognized and re-  
13      affirmed that—

14           (A) Native Hawaiians have a cultural, his-  
15      toric, and land-based link to the indigenous peo-  
16      ple who exercised sovereignty over the Hawaiian  
17      Islands, and that group has never relinquished  
18      its claims to sovereignty or its sovereign lands;

19           (B) Congress does not extend services to  
20      Native Hawaiians because of their race, but be-  
21      cause of their unique status as the indigenous  
22      people of a once sovereign nation as to whom  
23      the United States has established a trust rela-  
24      tionship;

1 (C) Congress has also delegated broad au-  
2 thority to administer a portion of the Federal  
3 trust responsibility to the State of Hawaii;

4 (D) the political status of Native Hawai-  
5 ians is comparable to that of American Indians;  
6 and

7 (E) the aboriginal, indigenous people of  
8 the United States have—

9 (i) a continuing right to autonomy in  
10 their internal affairs; and

11 (ii) an ongoing right of self-deter-  
12 mination and self-governance that has  
13 never been extinguished;

14 (14) the political relationship between the  
15 United States and the Native Hawaiian people has  
16 been recognized and reaffirmed by the United States  
17 as evidenced by the inclusion of Native Hawaiians  
18 in—

19 (A) the Native American Programs Act of  
20 1974 (42 U.S.C. 2291 et seq.);

21 (B) the American Indian Religious Free-  
22 dom Act (42 U.S.C. 1996 et seq.);

23 (C) the National Museum of the American  
24 Indian Act (20 U.S.C. 80q et seq.);



1 (D) the Native American Graves Protec-  
2 tion and Repatriation Act (25 U.S.C. 3001 et  
3 seq.);

4 (E) the National Historic Preservation Act  
5 (16 U.S.C. 470 et seq.);

6 (F) the Native American Languages Act of  
7 1992 (106 Stat. 3434);

8 (G) the American Indian, Alaska Native  
9 and Native Hawaiian Culture and Arts Devel-  
10 opment Act (20 U.S.C. 4401 et seq.);

11 (H) the Job Training Partnership Act (29  
12 U.S.C. 1501 et seq.); and

13 (I) the Older Americans Act of 1965 (42  
14 U.S.C. 3001 et seq.); and

15 (15) in the area of housing, the United States  
16 has recognized and reaffirmed the political relation-  
17 ship with the Native Hawaiian people through—

18 (A) the enactment of the Hawaiian Homes  
19 Commission Act, 1920 (42 Stat. 108 et seq.),  
20 which set aside approximately 200,000 acres of  
21 public lands that became known as Hawaiian  
22 Home Lands in the Territory of Hawaii that  
23 had been ceded to the United States for home-  
24 steading by Native Hawaiians in order to reha-  
25 bilitate a landless and dying people;

1 (B) the enactment of the Act entitled “An  
2 Act to provide for the admission of the State of  
3 Hawaii into the Union”, approved March 18,  
4 1959 (73 Stat. 4)—

5 (i) by ceding to the State of Hawaii  
6 title to the public lands formerly held by  
7 the United States, and mandating that  
8 those lands be held in public trust, for the  
9 betterment of the conditions of Native Ha-  
10 waiians, as that term is defined in section  
11 201 of the Hawaiian Homes Commission  
12 Act, 1920 (42 Stat. 108 et seq.); and

13 (ii) by transferring the United States  
14 responsibility for the administration of Ha-  
15 waiian Home Lands to the State of Ha-  
16 waii, but retaining the authority to enforce  
17 the trust, including the exclusive right of  
18 the United States to consent to any actions  
19 affecting the lands which comprise the cor-  
20 pus of the trust and any amendments to  
21 the Hawaiian Homes Commission Act,  
22 1920 (42 Stat. 108 et seq.), enacted by the  
23 legislature of the State of Hawaii affecting  
24 the rights of beneficiaries under the Act;

1 (C) the authorization of mortgage loans in-  
2 sured by the Federal Housing Administration  
3 for the purchase, construction, or refinancing of  
4 homes on Hawaiian Home Lands under the Act  
5 of June 27, 1934 (commonly referred to as the  
6 “National Housing Act” (42 Stat. 1246 et seq.,  
7 chapter 847; 12 U.S.C. 1701 et seq.));

8 (D) authorizing Native Hawaiian represen-  
9 tation on the National Commission on Amer-  
10 ican Indian, Alaska Native, and Native Hawai-  
11 ian Housing under Public Law 101–235;

12 (E) the inclusion of Native Hawaiians in  
13 the definition under section 3764 of title 38,  
14 United States Code, applicable to subchapter V  
15 of chapter 37 of title 38, United States Code  
16 (relating to a housing loan program for Native  
17 American veterans); and

18 (F) the enactment of the Hawaiian Home  
19 Lands Recovery Act (109 Stat. 357; 48 U.S.C.  
20 491, note prec.) which establishes a process for  
21 the conveyance of Federal lands to the Depart-  
22 ment of Hawaiian Homes Lands that are equiv-  
23 alent in value to lands acquired by the United  
24 States from the Hawaiian Home Lands inven-  
25 tory.

1 **SEC. 203. HOUSING ASSISTANCE.**

2       The Native American Housing Assistance and Self-  
3 Determination Act of 1996 (25 U.S.C. 4101 et seq.) is  
4 amended by adding at the end the following:

5 **“TITLE VIII—HOUSING ASSIST-**  
6 **ANCE FOR NATIVE HAWAI-**  
7 **LIANS**

8 **“SEC. 801. DEFINITIONS.**

9       “In this title:

10           “(1) DEPARTMENT OF HAWAIIAN HOME LANDS;  
11 DEPARTMENT.—The term ‘Department of Hawaiian  
12 Home Lands’ or ‘Department’ means the agency or  
13 department of the government of the State of Ha-  
14 waii that is responsible for the administration of the  
15 Hawaiian Homes Commission Act, 1920 (42 Stat.  
16 108 et seq.).

17           “(2) DIRECTOR.—The term ‘Director’ means  
18 the Director of the Department of Hawaiian Home  
19 Lands.

20           “(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMI-  
21 LIES.—

22           “(A) IN GENERAL.—The term ‘elderly  
23 family’ or ‘near-elderly family’ means a family  
24 whose head (or his or her spouse), or whose sole  
25 member, is—

1 “(i) for an elderly family, an elderly  
2 person; or

3 “(ii) for a near-elderly family, a near-  
4 elderly person.

5 “(B) CERTAIN FAMILIES INCLUDED.—The  
6 term ‘elderly family’ or ‘near-elderly family’  
7 includes—

8 “(i) 2 or more elderly persons or near-  
9 elderly persons, as the case may be, living  
10 together; and

11 “(ii) 1 or more persons described in  
12 clause (i) living with 1 or more persons de-  
13 termined under the housing plan to be es-  
14 sential to their care or well-being.

15 “(4) HAWAIIAN HOME LANDS.—The term ‘Ha-  
16 waiian Home Lands’ means lands that—

17 “(A) have the status as Hawaiian home  
18 lands under section 204 of the Hawaiian  
19 Homes Commission Act (42 Stat. 110); or

20 “(B) are acquired pursuant to that Act.

21 “(5) HOUSING AREA.—The term ‘housing area’  
22 means an area of Hawaiian Home Lands with re-  
23 spect to which the Department of Hawaiian Home  
24 Lands is authorized to provide assistance for afford-  
25 able housing under this Act.

1           “(6) HOUSING ENTITY.—The term ‘housing en-  
2           tity’ means the Department of Hawaiian Home  
3           Lands.

4           “(7) HOUSING PLAN.—The term ‘housing plan’  
5           means a plan developed by the Department of Ha-  
6           waiian Home Lands.

7           “(8) MEDIAN INCOME.—The term ‘median in-  
8           come’ means, with respect to an area that is a Ha-  
9           waiian housing area, the greater of—

10                   “(A) the median income for the Hawaiian  
11                   housing area, which shall be determined by the  
12                   Secretary; or

13                   “(B) the median income for the State of  
14                   Hawaii.

15           “(9) NATIVE HAWAIIAN.—The term ‘Native  
16           Hawaiian’ means any individual who is—

17                   “(A) a citizen of the United States; and

18                   “(B) a descendant of the aboriginal people,  
19                   who, prior to 1778, occupied and exercised sov-  
20                   ereignty in the area that currently constitutes  
21                   the State of Hawaii, as evidenced by—

22                           “(i) genealogical records;

23                           “(ii) verification by kupuna (elders) or  
24                           kama’aina (long-term community resi-  
25                           dents); or

1 “(iii) birth records of the State of Ha-  
2 waii.

3 **“SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING**  
4 **ACTIVITIES.**

5 “(a) GRANT AUTHORITY.—For each fiscal year, the  
6 Secretary shall (to the extent amounts are made available  
7 to carry out this title) make a grant under this title to  
8 the Department of Hawaiian Home Lands to carry out  
9 affordable housing activities for Native Hawaiian families  
10 who are eligible to reside on the Hawaiian Home Lands.

11 “(b) PLAN REQUIREMENT.—

12 “(1) IN GENERAL.—The Secretary may make a  
13 grant under this title to the Department of Hawai-  
14 ian Home Lands for a fiscal year only if—

15 “(A) the Director has submitted to the  
16 Secretary a housing plan for that fiscal year;  
17 and

18 “(B) the Secretary has determined under  
19 section 804 that the housing plan complies with  
20 the requirements of section 803.

21 “(2) WAIVER.—The Secretary may waive the  
22 applicability of the requirements under paragraph  
23 (1), in part, if the Secretary finds that the Depart-  
24 ment of Hawaiian Home Lands has not complied or  
25 cannot comply with those requirements due to cir-

1        cumstances beyond the control of the Department of  
2        Hawaiian Home Lands.

3        “(c) USE OF AFFORDABLE HOUSING ACTIVITIES  
4 UNDER PLAN.—Except as provided in subsection (e),  
5 amounts provided under a grant under this section may  
6 be used only for affordable housing activities under this  
7 title that are consistent with a housing plan approved  
8 under section 804.

9        “(d) ADMINISTRATIVE EXPENSES.—

10            “(1) IN GENERAL.—The Secretary shall, by  
11 regulation, authorize the Department of Hawaiian  
12 Home Lands to use a percentage of any grant  
13 amounts received under this title for any reasonable  
14 administrative and planning expenses of the Depart-  
15 ment relating to carrying out this title and activities  
16 assisted with those amounts.

17            “(2) ADMINISTRATIVE AND PLANNING EX-  
18 PENSES.—The administrative and planning expenses  
19 referred to in paragraph (1) include—

20            “(A) costs for salaries of individuals en-  
21 gaged in administering and managing afford-  
22 able housing activities assisted with grant  
23 amounts provided under this title; and

24            “(B) expenses incurred in preparing a  
25 housing plan under section 803.



1       “(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Direc-  
2       tor shall make all reasonable efforts, consistent with the  
3       purposes of this title, to maximize participation by the pri-  
4       vate sector, including nonprofit organizations and for-  
5       profit entities, in implementing a housing plan that has  
6       been approved by the Secretary under section 803.

7       **“SEC. 803. HOUSING PLAN.**

8       “(a) PLAN SUBMISSION.—The Secretary shall—

9               “(1) require the Director to submit a housing  
10       plan under this section for each fiscal year; and

11              “(2) provide for the review of each plan sub-  
12       mitted under paragraph (1).

13       “(b) 5-YEAR PLAN.—Each housing plan under this  
14       section shall—

15              “(1) be in a form prescribed by the Secretary;  
16       and

17              “(2) contain, with respect to the 5-year period  
18       beginning with the fiscal year for which the plan is  
19       submitted, the following information:

20              “(A) MISSION STATEMENT.—A general  
21       statement of the mission of the Department of  
22       Hawaiian Home Lands to serve the needs of  
23       the low-income families to be served by the De-  
24       partment.

1           “(B) GOAL AND OBJECTIVES.—A state-  
2           ment of the goals and objectives of the Depart-  
3           ment of Hawaiian Home Lands to enable the  
4           Department to serve the needs identified in  
5           subparagraph (A) during the period.

6           “(C) ACTIVITIES PLANS.—An overview of  
7           the activities planned during the period includ-  
8           ing an analysis of the manner in which the ac-  
9           tivities will enable the Department to meet its  
10          mission, goals, and objectives.

11          “(c) 1-YEAR PLAN.—A housing plan under this sec-  
12          tion shall—

13               “(1) be in a form prescribed by the Secretary;  
14          and

15               “(2) contain the following information relating  
16          to the fiscal year for which the assistance under this  
17          title is to be made available:

18               “(A) GOALS AND OBJECTIVES.—A state-  
19               ment of the goals and objectives to be accom-  
20               plished during the period covered by the plan.

21               “(B) STATEMENT OF NEEDS.—A state-  
22               ment of the housing needs of the low-income  
23               families served by the Department and the  
24               means by which those needs will be addressed

1 during the period covered by the plan,  
2 including—

3 “(i) a description of the estimated  
4 housing needs and the need for assistance  
5 for the low-income families to be served by  
6 the Department, including a description of  
7 the manner in which the geographical dis-  
8 tribution of assistance is consistent with—

9 “(I) the geographical needs of  
10 those families; and

11 “(II) needs for various categories  
12 of housing assistance; and

13 “(ii) a description of the estimated  
14 housing needs for all families to be served  
15 by the Department.

16 “(C) FINANCIAL RESOURCES.—An oper-  
17 ating budget for the Department of Hawaiian  
18 Home Lands, in a form prescribed by the Sec-  
19 retary, that includes—

20 “(i) an identification and a descrip-  
21 tion of the financial resources reasonably  
22 available to the Department to carry out  
23 the purposes of this title, including an ex-  
24 planation of the manner in which amounts

made available will be used to leverage additional resources; and

“(ii) the uses to which the resources described in clause (i) will be committed, including—

“(I) eligible and required affordable housing activities; and

“(II) administrative expenses.

“(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

“(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

“(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

“(I) rental assistance;

1 “(II) the production of new units;

2 “(III) the acquisition of existing

3 units; or

4 “(IV) the rehabilitation of units;

5 “(iii) a description of the structure,

6 coordination, and means of cooperation be-

7 tween the Department of Hawaiian Home

8 Lands and any other governmental entities

9 in the development, submission, or imple-

10 mentation of housing plans, including a de-

11 scription of—

12 “(I) the involvement of private,

13 public, and nonprofit organizations

14 and institutions;

15 “(II) the use of loan guarantees

16 under section 184A of the Housing

17 and Community Development Act of

18 1992; and

19 “(III) other housing assistance

20 provided by the United States, includ-

21 ing loans, grants, and mortgage insur-

22 ance;

23 “(iv) a description of the manner in

24 which the plan will address the needs iden-

25 tified pursuant to subparagraph (C);

1 “(v) a description of—

2 “(I) any existing or anticipated  
3 homeownership programs and rental  
4 programs to be carried out during the  
5 period covered by the plan; and

6 “(II) the requirements and as-  
7 sistance available under the programs  
8 referred to in subclause (I);

9 “(vi) a description of—

10 “(I) any existing or anticipated  
11 housing rehabilitation programs nec-  
12 essary to ensure the long-term viabil-  
13 ity of the housing to be carried out  
14 during the period covered by the plan;  
15 and

16 “(II) the requirements and as-  
17 sistance available under the programs  
18 referred to in subclause (I);

19 “(vii) a description of—

20 “(I) all other existing or antici-  
21 pated housing assistance provided by  
22 the Department of Hawaiian Home  
23 Lands during the period covered by  
24 the plan, including—

25 “(aa) transitional housing;

1 “(bb) homeless housing;  
2 “(cc) college housing; and  
3 “(dd) supportive services  
4 housing; and  
5 “(II) the requirements and as-  
6 sistance available under such pro-  
7 grams;  
8 “(viii)(I) a description of any housing  
9 to be demolished or disposed of;  
10 “(II) a timetable for that demolition  
11 or disposition; and  
12 “(III) any other information required  
13 by the Secretary with respect to that dem-  
14 olition or disposition;  
15 “(ix) a description of the manner in  
16 which the Department of Hawaiian Home  
17 Lands will coordinate with welfare agencies  
18 in the State of Hawaii to ensure that resi-  
19 dents of the affordable housing will be pro-  
20 vided with access to resources to assist in  
21 obtaining employment and achieving self-  
22 sufficiency;  
23 “(x) a description of the requirements  
24 established by the Department of Hawai-  
25 ian Home Lands to—

1 “(I) promote the safety of resi-  
2 dents of the affordable housing;

3 “(II) facilitate the undertaking of  
4 crime prevention measures;

5 “(III) allow resident input and  
6 involvement, including the establish-  
7 ment of resident organizations; and

8 “(IV) allow for the coordination  
9 of crime prevention activities between  
10 the Department and local law enforce-  
11 ment officials; and

12 “(xi) a description of the entities that  
13 will carry out the activities under the plan,  
14 including the organizational capacity and  
15 key personnel of the entities.

16 “(E) CERTIFICATION OF COMPLIANCE.—  
17 Evidence of compliance that shall include, as  
18 appropriate—

19 “(i) a certification that the Depart-  
20 ment of Hawaiian Home Lands will com-  
21 ply with—

22 “(I) title VI of the Civil Rights  
23 Act of 1964 (42 U.S.C. 2000d et seq.)  
24 or with title VIII of the Act popularly  
25 known as the ‘Civil Rights Act of



1           1968' (42 U.S.C. 3601 et seq.) in car-  
2           rying out this title, to the extent that  
3           such title is applicable; and

4                   “(II) other applicable Federal  
5           statutes;

6                   “(ii) a certification that the Depart-  
7           ment will require adequate insurance cov-  
8           erage for housing units that are owned and  
9           operated or assisted with grant amounts  
10          provided under this title, in compliance  
11          with such requirements as may be estab-  
12          lished by the Secretary;

13                   “(iii) a certification that policies are  
14          in effect and are available for review by the  
15          Secretary and the public governing the eli-  
16          gibility, admission, and occupancy of fami-  
17          lies for housing assisted with grant  
18          amounts provided under this title;

19                   “(iv) a certification that policies are  
20          in effect and are available for review by the  
21          Secretary and the public governing rents  
22          charged, including the methods by which  
23          such rents or homebuyer payments are de-  
24          termined, for housing assisted with grant  
25          amounts provided under this title; and

1                   “(v) a certification that policies are in  
2                   effect and are available for review by the  
3                   Secretary and the public governing the  
4                   management and maintenance of housing  
5                   assisted with grant amounts provided  
6                   under this title.

7                   “(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

8                   “(1) IN GENERAL.—To the extent that the re-  
9                   quirements of title VI of the Civil Rights Act of  
10                  1964 (42 U.S.C. 2000d et seq.) or of title VIII of  
11                  the Act popularly known as the ‘Civil Rights Act of  
12                  1968’ (42 U.S.C. 3601 et seq.) apply to assistance  
13                  provided under this title, nothing in the require-  
14                  ments concerning discrimination on the basis of race  
15                  shall be construed to prevent the provision of assist-  
16                  ance under this title—

17                  “(A) to the Department of Hawaiian  
18                  Home Lands on the basis that the Department  
19                  served Native Hawaiians; or

20                  “(B) to an eligible family on the basis that  
21                  the family is a Native Hawaiian family.

22                  “(2) CIVIL RIGHTS.—Program eligibility under  
23                  this title may be restricted to Native Hawaiians.  
24                  Subject to the preceding sentence, no person may be  
25                  discriminated against on the basis of race, color, na-

1 tional origin, religion, sex, familial status, or dis-  
2 ability.

3 “(e) USE OF NONPROFIT ORGANIZATIONS.—As a  
4 condition of receiving grant amounts under this title, the  
5 Department of Hawaiian Home Lands shall, to the extent  
6 practicable, provide for private nonprofit organizations ex-  
7 perience in the planning and development of affordable  
8 housing for Native Hawaiians to carry out affordable  
9 housing activities with those grant amounts.

10 **“SEC. 804. REVIEW OF PLANS.**

11 “(a) REVIEW AND NOTICE.—

12 “(1) REVIEW.—

13 “(A) IN GENERAL.—The Secretary shall  
14 conduct a review of a housing plan submitted to  
15 the Secretary under section 803 to ensure that  
16 the plan complies with the requirements of that  
17 section.

18 “(B) LIMITATION.—The Secretary shall  
19 have the discretion to review a plan referred to  
20 in subparagraph (A) only to the extent that the  
21 Secretary considers that the review is necessary.

22 “(2) NOTICE.—

23 “(A) IN GENERAL.—Not later than 60  
24 days after receiving a plan under section 803,  
25 the Secretary shall notify the Director of the

1 Department of Hawaiian Home Lands whether  
2 the plan complies with the requirements under  
3 that section.

4 “(B) EFFECT OF FAILURE OF SECRETARY  
5 TO TAKE ACTION.—For purposes of this title, if  
6 the Secretary does not notify the Director, as  
7 required under this subsection and subsection  
8 (b), upon the expiration of the 60-day period  
9 described in subparagraph (A)—

10 “(i) the plan shall be considered to  
11 have been determined to comply with the  
12 requirements under section 803; and

13 “(ii) the Director shall be considered  
14 to have been notified of compliance.

15 “(b) NOTICE OF REASONS FOR DETERMINATION OF  
16 NONCOMPLIANCE.—If the Secretary determines that a  
17 plan submitted under section 803 does not comply with  
18 the requirements of that section, the Secretary shall speci-  
19 fy in the notice under subsection (a)—

20 “(1) the reasons for noncompliance; and

21 “(2) any modifications necessary for the plan to  
22 meet the requirements of section 803.

23 “(c) REVIEW.—

24 “(1) IN GENERAL.—After the Director submits  
25 a housing plan under section 803, or any amend-

1       ment or modification to the plan to the Secretary,  
2       to the extent that the Secretary considers such ac-  
3       tion to be necessary to make a determination under  
4       this subsection, the Secretary shall review the plan  
5       (including any amendments or modifications thereto)  
6       to determine whether the contents of the plan—

7               “(A) set forth the information required by  
8               section 803 to be contained in the housing plan;

9               “(B) are consistent with information and  
10              data available to the Secretary; and

11              “(C) are not prohibited by or inconsistent  
12              with any provision of this Act or any other ap-  
13              plicable law.

14              “(2) INCOMPLETE PLANS.—If the Secretary de-  
15              termines under this subsection that any of the ap-  
16              propriate certifications required under section  
17              803(c)(2)(E) are not included in a plan, the plan  
18              shall be considered to be incomplete.

19              “(d) UPDATES TO PLAN.—

20              “(1) IN GENERAL.—Subject to paragraph (2),  
21              after a plan under section 803 has been submitted  
22              for a fiscal year, the Director of the Department of  
23              Hawaiian Home Lands may comply with the provi-  
24              sions of that section for any succeeding fiscal year  
25              (with respect to information included for the 5-year

1 period under section 803(b) or for the 1-year period  
 2 under section 803(c)) by submitting only such infor-  
 3 mation regarding such changes as may be necessary  
 4 to update the plan previously submitted.

5 “(2) COMPLETE PLANS.—The Director shall  
 6 submit a complete plan under section 803 not later  
 7 than 4 years after submitting an initial plan under  
 8 that section, and not less frequently than every 4  
 9 years thereafter.

10 “(e) EFFECTIVE DATE.—This section and section  
 11 803 shall take effect on the date provided by the Secretary  
 12 pursuant to section 807(a) to provide for timely submis-  
 13 sion and review of the housing plan as necessary for the  
 14 provision of assistance under this title for fiscal year 2000.

15 **“SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR**  
 16 **STANDARDS.**

17 “(a) PROGRAM INCOME.—

18 “(1) AUTHORITY TO RETAIN.—The Department  
 19 of Hawaiian Home Lands may retain any program  
 20 income that is realized from any grant amounts re-  
 21 ceived by the Department under this title if—

22 “(A) that income was realized after the ini-  
 23 tial disbursement of the grant amounts received  
 24 by the Department; and

1           “(B) the Director agrees to use the pro-  
2           gram income for affordable housing activities in  
3           accordance with the provisions of this title.

4           “(2) PROHIBITION OF REDUCTION OF GRANT.—  
5           The Secretary may not reduce the grant amount for  
6           the Department of Hawaiian Home Lands based  
7           solely on—

8           “(A) whether the Department retains pro-  
9           gram income under paragraph (1); or

10           “(B) the amount of any such program in-  
11           come retained.

12           “(3) EXCLUSION OF AMOUNTS.—The Secretary  
13           may, by regulation, exclude from consideration as  
14           program income any amounts determined to be so  
15           small that compliance with the requirements of this  
16           subsection would create an unreasonable administra-  
17           tive burden on the Department.

18           “(b) LABOR STANDARDS.—

19           “(1) IN GENERAL.—Any contract or agreement  
20           for assistance, sale, or lease pursuant to this title  
21           shall contain—

22           “(A) a provision requiring that an amount  
23           not less than the wages prevailing in the local-  
24           ity, as determined or adopted (subsequent to a  
25           determination under applicable State or local

1 law) by the Secretary, shall be paid to all archi-  
2 tects, technical engineers, draftsmen, techni-  
3 cians employed in the development and all  
4 maintenance, and laborers and mechanics em-  
5 ployed in the operation, of the affordable hous-  
6 ing project involved; and

7 “(B) a provision that an amount not less  
8 than the wages prevailing in the locality, as pre-  
9 determined by the Secretary of Labor pursuant  
10 to the Act commonly known as the ‘Davis-  
11 Bacon Act’ (46 Stat. 1494, chapter 411; 40  
12 U.S.C. 276a et seq.) shall be paid to all labor-  
13 ers and mechanics employed in the development  
14 of the affordable housing involved.

15 “(2) EXCEPTIONS.—Paragraph (1) and provi-  
16 sions relating to wages required under paragraph (1)  
17 in any contract or agreement for assistance, sale, or  
18 lease under this title, shall not apply to any indi-  
19 vidual who performs the services for which the indi-  
20 vidual volunteered and who is not otherwise em-  
21 ployed at any time in the construction work and re-  
22 ceived no compensation or is paid expenses, reason-  
23 able benefits, or a nominal fee for those services.

24 **“SEC. 806. ENVIRONMENTAL REVIEW.**

25 “(a) IN GENERAL.—



1 “(1) RELEASE OF FUNDS.—

2 “(A) IN GENERAL.—The Secretary may  
3 carry out the alternative environmental protec-  
4 tion procedures described in subparagraph (B)  
5 in order to ensure—

6 “(i) that the policies of the National  
7 Environmental Policy Act of 1969 (42  
8 U.S.C. 4321 et seq.) and other provisions  
9 of law that further the purposes of such  
10 Act (as specified in regulations issued by  
11 the Secretary) are most effectively imple-  
12 mented in connection with the expenditure  
13 of grant amounts provided under this title;  
14 and

15 “(ii) to the public undiminished pro-  
16 tection of the environment.

17 “(B) ALTERNATIVE ENVIRONMENTAL PRO-  
18 TECTION PROCEDURE.—In lieu of applying en-  
19 vironmental protection procedures otherwise ap-  
20 plicable, the Secretary may by regulation pro-  
21 vide for the release of funds for specific projects  
22 to the Department of Hawaiian Home Lands if  
23 the Director assumes all of the responsibilities  
24 for environmental review, decisionmaking, and  
25 action under the National Environmental Policy

1 Act of 1969 (42 U.S.C. 4321 et seq.), and such  
2 other provisions of law as the regulations of the  
3 Secretary specify, that would apply to the Sec-  
4 retary were the Secretary to undertake those  
5 projects as Federal projects.

6 “(2) REGULATIONS.—

7 “(A) IN GENERAL.—The Secretary shall  
8 issue regulations to carry out this section only  
9 after consultation with the Council on Environ-  
10 mental Quality.

11 “(B) CONTENTS.—The regulations issued  
12 under this paragraph shall—

13 “(i) provide for the monitoring of the  
14 environmental reviews performed under  
15 this section;

16 “(ii) in the discretion of the Secretary,  
17 facilitate training for the performance of  
18 such reviews; and

19 “(iii) provide for the suspension or  
20 termination of the assumption of respon-  
21 sibilities under this section.

22 “(3) EFFECT ON ASSUMED RESPONSIBILITY.—  
23 The duty of the Secretary under paragraph (2)(B)  
24 shall not be construed to limit or reduce any respon-  
25 sibility assumed by the Department of Hawaiian

1 Home Lands for grant amounts with respect to any  
2 specific release of funds.

3 “(b) PROCEDURE.—

4 “(1) IN GENERAL.—The Secretary shall author-  
5 ize the release of funds subject to the procedures  
6 under this section only if, not less than 15 days be-  
7 fore that approval and before any commitment of  
8 funds to such projects, the Director of the Depart-  
9 ment of Hawaiian Home Lands submits to the Sec-  
10 retary a request for such release accompanied by a  
11 certification that meets the requirements of sub-  
12 section (c).

13 “(2) EFFECT OF APPROVAL.—The approval of  
14 the Secretary of a certification described in para-  
15 graph (1) shall be deemed to satisfy the responsibil-  
16 ities of the Secretary under the National Environ-  
17 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
18 and such other provisions of law as the regulations  
19 of the Secretary specify to the extent that those re-  
20 sponsibilities relate to the releases of funds for  
21 projects that are covered by that certification.

22 “(c) CERTIFICATION.—A certification under the pro-  
23 cedures under this section shall—

24 “(1) be in a form acceptable to the Secretary;

25 “(2) be executed by the Director;

1           “(3) specify that the Department of Hawaiian  
2       Home Lands has fully carried out its responsibilities  
3       as described under subsection (a); and

4           “(4) specify that the Director—

5               “(A) consents to assume the status of a re-  
6       sponsible Federal official under the National  
7       Environmental Policy Act of 1969 (42 U.S.C.  
8       4321 et seq.) and each provision of law speci-  
9       fied in regulations issued by the Secretary to  
10      the extent that those laws apply by reason of  
11      subsection (a); and

12               “(B) is authorized and consents on behalf  
13      of the Department of Hawaiian Home Lands  
14      and the Director to accept the jurisdiction of  
15      the Federal courts for the purpose of enforce-  
16      ment of the responsibilities of the Director.

17   **“SEC. 807. REGULATIONS.**

18           “The Secretary shall issue final regulations necessary  
19   to carry out this title not later than October 1, 2000.

20   **“SEC. 808. EFFECTIVE DATE.**

21           “Except as otherwise expressly provided in this title,  
22   this title shall take effect on the date of enactment of the  
23   Native American Housing Assistance and Self-Determina-  
24   tion Amendments of 2000.

1 **“SEC. 809. AFFORDABLE HOUSING ACTIVITIES.**

2 “(a) NATIONAL OBJECTIVES AND ELIGIBLE FAMI-  
3 LIES.—

4 “(1) PRIMARY OBJECTIVE.—The national objec-  
5 tives of this title are—

6 “(A) to assist and promote affordable  
7 housing activities to develop, maintain, and op-  
8 erate affordable housing in safe and healthy en-  
9 vironments for occupancy by low-income Native  
10 Hawaiian families;

11 “(B) to ensure better access to private  
12 mortgage markets and to promote self-suffi-  
13 ciency of low-income Native Hawaiian families;

14 “(C) to coordinate activities to provide  
15 housing for low-income Native Hawaiian fami-  
16 lies with Federal, State and local activities to  
17 further economic and community development;

18 “(D) to plan for and integrate infrastruc-  
19 ture resources on the Hawaiian Home Lands  
20 with housing development; and

21 “(E) to—

22 “(i) promote the development of pri-  
23 vate capital markets; and

24 “(ii) allow the markets referred to in  
25 clause (i) to operate and grow, thereby  
26 benefiting Native Hawaiian communities.

1 “(2) ELIGIBLE FAMILIES.—

2 “(A) IN GENERAL.—Except as provided  
3 under subparagraph (B), assistance for eligible  
4 housing activities under this title shall be lim-  
5 ited to low-income Native Hawaiian families.

6 “(B) EXCEPTION TO LOW-INCOME RE-  
7 QUIREMENT.—

8 “(i) IN GENERAL.—The Director may  
9 provide assistance for homeownership ac-  
10 tivities under—

11 “(I) section 810(b);

12 “(II) model activities under sec-  
13 tion 810(f); or

14 “(III) loan guarantee activities  
15 under section 184A of the Housing  
16 and Community Development Act of  
17 1992 to Native Hawaiian families who  
18 are not low-income families, to the ex-  
19 tent that the Secretary approves the  
20 activities under that section to ad-  
21 dress a need for housing for those  
22 families that cannot be reasonably  
23 met without that assistance.

24 “(ii) LIMITATIONS.—The Secretary  
25 shall establish limitations on the amount of

1 assistance that may be provided under this  
2 title for activities for families that are not  
3 low-income families.

4 “(C) OTHER FAMILIES.—Notwithstanding  
5 paragraph (1), the Director may provide hous-  
6 ing or housing assistance provided through af-  
7 fordable housing activities assisted with grant  
8 amounts under this title to a family that is not  
9 composed of Native Hawaiians if—

10 “(i) the Department determines that  
11 the presence of the family in the housing  
12 involved is essential to the well-being of  
13 Native Hawaiian families; and

14 “(ii) the need for housing for the fam-  
15 ily cannot be reasonably met without the  
16 assistance.

17 “(D) PREFERENCE.—

18 “(i) IN GENERAL.—A housing plan  
19 submitted under section 803 may authorize  
20 a preference, for housing or housing assist-  
21 ance provided through affordable housing  
22 activities assisted with grant amounts pro-  
23 vided under this title to be provided, to the  
24 extent practicable, to families that are eli-

1                   gible to reside on the Hawaiian Home  
2                   Lands.

3                   “(ii) APPLICATION.—In any case in  
4                   which a housing plan provides for pref-  
5                   erence described in clause (i), the Director  
6                   shall ensure that housing activities that are  
7                   assisted with grant amounts under this  
8                   title are subject to that preference.

9                   “(E) USE OF NONPROFIT ORGANIZA-  
10                  TIONS.—As a condition of receiving grant  
11                  amounts under this title, the Department of  
12                  Hawaiian Home Lands, shall to the extent  
13                  practicable, provide for private nonprofit orga-  
14                  nizations experienced in the planning and devel-  
15                  opment of affordable housing for Native Hawai-  
16                  ians to carry out affordable housing activities  
17                  with those grant amounts.

18   **“SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.**

19                  “(a) IN GENERAL.—Affordable housing activities  
20                  under this section are activities conducted in accordance  
21                  with the requirements of section 811 to—

22                         “(1) develop or to support affordable housing  
23                         for rental or homeownership; or



1           “(2) provide housing services with respect to af-  
2       fordable housing, through the activities described in  
3       subsection (b).

4       “(b) ACTIVITIES.—The activities described in this  
5       subsection are the following:

6           “(1) DEVELOPMENT.—The acquisition, new  
7       construction, reconstruction, or moderate or sub-  
8       stantial rehabilitation of affordable housing, which  
9       may include—

10               “(A) real property acquisition;

11               “(B) site improvement;

12               “(C) the development of utilities and util-  
13       ity services;

14               “(D) conversion;

15               “(E) demolition;

16               “(F) financing;

17               “(G) administration and planning; and

18               “(H) other related activities.

19       “(2) HOUSING SERVICES.—The provision of  
20       housing-related services for affordable housing,  
21       including—

22               “(A) housing counseling in connection with  
23       rental or homeownership assistance;

1           “(B) the establishment and support of  
2           resident organizations and resident manage-  
3           ment corporations;

4           “(C) energy auditing;

5           “(D) activities related to the provisions of  
6           self-sufficiency and other services; and

7           “(E) other services related to assisting  
8           owners, tenants, contractors, and other entities  
9           participating or seeking to participate in other  
10          housing activities assisted pursuant to this sec-  
11          tion.

12          “(3) HOUSING MANAGEMENT SERVICES.—The  
13          provision of management services for affordable  
14          housing, including—

15               “(A) the preparation of work specifica-  
16               tions;

17               “(B) loan processing;

18               “(C) inspections;

19               “(D) tenant selection;

20               “(E) management of tenant-based rental  
21               assistance; and

22               “(F) management of affordable housing  
23               projects.

24          “(4) CRIME PREVENTION AND SAFETY ACTIVI-  
25          TIES.—The provision of safety, security, and law en-

1        enforcement measures and activities appropriate to  
2        protect residents of affordable housing from crime.

3            “(5) MODEL ACTIVITIES.—Housing activities  
4        under model programs that are—

5            “(A) designed to carry out the purposes of  
6        this title; and

7            “(B) specifically approved by the Secretary  
8        as appropriate for the purpose referred to in  
9        subparagraph (A).

10    **“SEC. 811. PROGRAM REQUIREMENTS.**

11        “(a) RENTS.—

12            “(1) ESTABLISHMENT.—Subject to paragraph  
13        (2), as a condition to receiving grant amounts under  
14        this title, the Director shall develop written policies  
15        governing rents and homebuyer payments charged  
16        for dwelling units assisted under this title, including  
17        methods by which such rents and homebuyer pay-  
18        ments are determined.

19            “(2) MAXIMUM RENT.—In the case of any low-  
20        income family residing in a dwelling unit assisted  
21        with grant amounts under this title, the monthly  
22        rent or homebuyer payment (as applicable) for that  
23        dwelling unit may not exceed 30 percent of the  
24        monthly adjusted income of that family.

25        “(b) MAINTENANCE AND EFFICIENT OPERATION.—

1           “(1) IN GENERAL.—The Director shall, using  
2           amounts of any grants received under this title, re-  
3           serve and use for operating under section 810 such  
4           amounts as may be necessary to provide for the con-  
5           tinued maintenance and efficient operation of such  
6           housing.

7           “(2) DISPOSAL OF CERTAIN HOUSING.—This  
8           subsection may not be construed to prevent the Di-  
9           rector, or any entity funded by the Department,  
10          from demolishing or disposing of housing, pursuant  
11          to regulations established by the Secretary.

12          “(c) INSURANCE COVERAGE.—As a condition to re-  
13          ceiving grant amounts under this title, the Director shall  
14          require adequate insurance coverage for housing units that  
15          are owned or operated or assisted with grant amounts pro-  
16          vided under this title.

17          “(d) ELIGIBILITY FOR ADMISSION.—As a condition  
18          to receiving grant amounts under this title, the Director  
19          shall develop written policies governing the eligibility, ad-  
20          mission, and occupancy of families for housing assisted  
21          with grant amounts provided under this title.

22          “(e) MANAGEMENT AND MAINTENANCE.—As a con-  
23          dition to receiving grant amounts under this title, the Di-  
24          rector shall develop policies governing the management

1 and maintenance of housing assisted with grant amounts  
2 under this title.

3 **“SEC. 812. TYPES OF INVESTMENTS.**

4 “(a) IN GENERAL.—Subject to section 811 and an  
5 applicable housing plan approved under section 803, the  
6 Director shall have—

7 “(1) the discretion to use grant amounts for af-  
8 fordable housing activities through the use of—

9 “(A) equity investments;

10 “(B) interest-bearing loans or advances;

11 “(C) noninterest-bearing loans or ad-  
12 vances;

13 “(D) interest subsidies;

14 “(E) the leveraging of private investments;

15 or

16 “(F) any other form of assistance that the  
17 Secretary determines to be consistent with the  
18 purposes of this title; and

19 “(2) the right to establish the terms of assist-  
20 ance provided with funds referred to in paragraph  
21 (1).

22 “(b) INVESTMENTS.—The Director may invest grant  
23 amounts for the purposes of carrying out affordable hous-  
24 ing activities in investment securities and other obliga-  
25 tions, as approved by the Secretary.

1 **“SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TAR-**  
2 **GETING.**

3 “(a) IN GENERAL.—Housing shall qualify for afford-  
4 able housing for purposes of this title only if—

5 “(1) each dwelling unit in the housing—

6 “(A) in the case of rental housing, is made  
7 available for occupancy only by a family that is  
8 a low-income family at the time of the initial  
9 occupancy of that family of that unit; and

10 “(B) in the case of housing for home-  
11 ownership, is made available for purchase only  
12 by a family that is a low-income family at the  
13 time of purchase; and

14 “(2) each dwelling unit in the housing will re-  
15 main affordable, according to binding commitments  
16 satisfactory to the Secretary, for—

17 “(A) the remaining useful life of the prop-  
18 erty (as determined by the Secretary) without  
19 regard to the term of the mortgage or to trans-  
20 fer of ownership; or

21 “(B) such other period as the Secretary  
22 determines is the longest feasible period of time  
23 consistent with sound economics and the pur-  
24 poses of this title, except upon a foreclosure by  
25 a lender (or upon other transfer in lieu of fore-  
26 closure) if that action—

1 “(i) recognizes any contractual or  
 2 legal rights of any public agency, nonprofit  
 3 sponsor, or other person or entity to take  
 4 an action that would—

5 “(I) avoid termination of low-in-  
 6 come affordability, in the case of fore-  
 7 closure; or

8 “(II) transfer ownership in lieu  
 9 of foreclosure; and

10 “(ii) is not for the purpose of avoiding  
 11 low-income affordability restrictions, as de-  
 12 termined by the Secretary.

13 “(b) EXCEPTION.—Notwithstanding subsection (a),  
 14 housing assisted pursuant to section 809(a)(2)(B) shall be  
 15 considered affordable housing for purposes of this title.

16 **“SEC. 814. LEASE REQUIREMENTS AND TENANT SELEC-**  
 17 **TION.**

18 “(a) LEASES.—Except to the extent otherwise pro-  
 19 vided by or inconsistent with the laws of the State of Ha-  
 20 waii, in renting dwelling units in affordable housing as-  
 21 sisted with grant amounts provided under this title, the  
 22 Director, owner, or manager shall use leases that—

23 “(1) do not contain unreasonable terms and  
 24 conditions;

1           “(2) require the Director, owner, or manager to  
2           maintain the housing in compliance with applicable  
3           housing codes and quality standards;

4           “(3) require the Director, owner, or manager to  
5           give adequate written notice of termination of the  
6           lease, which shall be the period of time required  
7           under applicable State or local law;

8           “(4) specify that, with respect to any notice of  
9           eviction or termination, notwithstanding any State  
10          or local law, a resident shall be informed of the op-  
11          portunity, before any hearing or trial, to examine  
12          any relevant documents, record, or regulations di-  
13          rectly related to the eviction or termination;

14          “(5) require that the Director, owner, or man-  
15          ager may not terminate the tenancy, during the  
16          term of the lease, except for serious or repeated vio-  
17          lation of the terms and conditions of the lease, viola-  
18          tion of applicable Federal, State, or local law, or for  
19          other good cause; and

20          “(6) provide that the Director, owner, or man-  
21          ager may terminate the tenancy of a resident for  
22          any activity, engaged in by the resident, any member  
23          of the household of the resident, or any guest or  
24          other person under the control of the resident,  
25          that—



1           “(A) threatens the health or safety of, or  
2           right to peaceful enjoyment of the premises by,  
3           other residents or employees of the Department,  
4           owner, or manager;

5           “(B) threatens the health or safety of, or  
6           right to peaceful enjoyment of their premises  
7           by, persons residing in the immediate vicinity of  
8           the premises; or

9           “(C) is criminal activity (including drug-re-  
10          lated criminal activity) on or off the premises.

11       “(b) TENANT OR HOMEBUYER SELECTION.—As a  
12       condition to receiving grant amounts under this title, the  
13       Director shall adopt and use written tenant and home-  
14       buyer selection policies and criteria that—

15           “(1) are consistent with the purpose of pro-  
16       viding housing for low-income families;

17           “(2) are reasonably related to program eligi-  
18       bility and the ability of the applicant to perform the  
19       obligations of the lease; and

20           “(3) provide for—

21           “(A) the selection of tenants and home-  
22       buyers from a written waiting list in accordance  
23       with the policies and goals set forth in an appli-  
24       cable housing plan approved under section 803;  
25       and

1                   “(B) the prompt notification in writing of  
2                   any rejected applicant of the grounds for that  
3                   rejection.

4   **“SEC. 815. REPAYMENT.**

5           “If the Department of Hawaiian Home Lands uses  
6   grant amounts to provide affordable housing under activi-  
7   ties under this title and, at any time during the useful  
8   life of the housing, the housing does not comply with the  
9   requirement under section 813(a)(2), the Secretary  
10 shall—

11                   “(1) reduce future grant payments on behalf of  
12   the Department by an amount equal to the grant  
13   amounts used for that housing (under the authority  
14   of section 819(a)(2)); or

15                   “(2) require repayment to the Secretary of any  
16   amount equal to those grant amounts.

17   **“SEC. 816. ANNUAL ALLOCATION.**

18           “For each fiscal year, the Secretary shall allocate any  
19   amounts made available for assistance under this title for  
20   the fiscal year, in accordance with the formula established  
21   pursuant to section 817 to the Department of Hawaiian  
22   Home Lands if the Department complies with the require-  
23   ments under this title for a grant under this title.

1   **“SEC. 817. ALLOCATION FORMULA.**

2           “(a) ESTABLISHMENT.—The Secretary shall, by reg-  
3   ulation issued not later than the expiration of the 6-month  
4   period beginning on the date of enactment of the Hawai-  
5   ian Homelands Homeownership Act of 2000, in the man-  
6   ner provided under section 807, establish a formula to pro-  
7   vide for the allocation of amounts available for a fiscal  
8   year for block grants under this title in accordance with  
9   the requirements of this section.

10          “(b) FACTORS FOR DETERMINATION OF NEED.—  
11   The formula under subsection (a) shall be based on factors  
12   that reflect the needs for assistance for affordable housing  
13   activities, including—

14               “(1) the number of low-income dwelling units  
15           owned or operated at the time pursuant to a con-  
16           tract between the Director and the Secretary;

17               “(2) the extent of poverty and economic distress  
18           and the number of Native Hawaiian families eligible  
19           to reside on the Hawaiian Home Lands; and

20               “(3) any other objectively measurable condi-  
21           tions that the Secretary and the Director may speci-  
22           fy.

23          “(c) OTHER FACTORS FOR CONSIDERATION.—In es-  
24   tablishing the formula under subsection (a), the Secretary  
25   shall consider the relative administrative capacities of the

1 Department of Hawaiian Home Lands and other chal-  
2 lenges faced by the Department, including—

3 “(1) geographic distribution within Hawaiian  
4 Home Lands; and

5 “(2) technical capacity.

6 “(d) EFFECTIVE DATE.—This section shall take ef-  
7 fect on the date of enactment of the Hawaiian Homelands  
8 Homeownership Act of 2000.

9 **“SEC. 818. REMEDIES FOR NONCOMPLIANCE.**

10 “(a) ACTIONS BY SECRETARY AFFECTING GRANT  
11 AMOUNTS.—

12 “(1) IN GENERAL.—Except as provided in sub-  
13 section (b), if the Secretary finds after reasonable  
14 notice and opportunity for a hearing that the De-  
15 partment of Hawaiian Home Lands has failed to  
16 comply substantially with any provision of this title,  
17 the Secretary shall—

18 “(A) terminate payments under this title  
19 to the Department;

20 “(B) reduce payments under this title to  
21 the Department by an amount equal to the  
22 amount of such payments that were not ex-  
23 pended in accordance with this title; or

1           “(C) limit the availability of payments  
2           under this title to programs, projects, or activi-  
3           ties not affected by such failure to comply.

4           “(2) ACTIONS.—If the Secretary takes an ac-  
5           tion under subparagraph (A), (B), or (C) of para-  
6           graph (1), the Secretary shall continue that action  
7           until the Secretary determines that the failure by  
8           the Department to comply with the provision has  
9           been remedied by the Department and the Depart-  
10          ment is in compliance with that provision.

11          “(b) NONCOMPLIANCE BECAUSE OF A TECHNICAL  
12          INCAPACITY.—The Secretary may provide technical assist-  
13          ance for the Department, either directly or indirectly, that  
14          is designed to increase the capability and capacity of the  
15          Director of the Department to administer assistance pro-  
16          vided under this title in compliance with the requirements  
17          under this title if the Secretary makes a finding under  
18          subsection (a), but determines that the failure of the De-  
19          partment to comply substantially with the provisions of  
20          this title—

21               “(1) is not a pattern or practice of activities  
22               constituting willful noncompliance; and

23               “(2) is a result of the limited capability or ca-  
24               pacity of the Department of Hawaiian Home Lands.

25          “(c) REFERRAL FOR CIVIL ACTION.—

1           “(1) AUTHORITY.—In lieu of, or in addition to,  
2           any action that the Secretary may take under sub-  
3           section (a), if the Secretary has reason to believe  
4           that the Department of Hawaiian Home Lands has  
5           failed to comply substantially with any provision of  
6           this title, the Secretary may refer the matter to the  
7           Attorney General of the United States with a rec-  
8           ommendation that an appropriate civil action be in-  
9           stituted.

10           “(2) CIVIL ACTION.—Upon receiving a referral  
11           under paragraph (1), the Attorney General may  
12           bring a civil action in any United States district  
13           court of appropriate jurisdiction for such relief as  
14           may be appropriate, including an action—

15                   “(A) to recover the amount of the assist-  
16                   ance furnished under this title that was not ex-  
17                   pended in accordance with this title; or

18                   “(B) for mandatory or injunctive relief.

19           “(d) REVIEW.—

20           “(1) IN GENERAL.—If the Director receives no-  
21           tice under subsection (a) of the termination, reduc-  
22           tion, or limitation of payments under this Act, the  
23           Director—

24                   “(A) may, not later than 60 days after re-  
25                   ceiving such notice, file with the United States

1 Court of Appeals for the Ninth Circuit, or in  
2 the United States Court of Appeals for the Dis-  
3 trict of Columbia, a petition for review of the  
4 action of the Secretary; and

5 “(B) upon the filing of any petition under  
6 subparagraph (A), shall forthwith transmit cop-  
7 ies of the petition to the Secretary and the At-  
8 torney General of the United States, who shall  
9 represent the Secretary in the litigation.

10 “(2) PROCEDURE.—

11 “(A) IN GENERAL.—The Secretary shall  
12 file in the court a record of the proceeding on  
13 which the Secretary based the action, as pro-  
14 vided in section 2112 of title 28, United States  
15 Code.

16 “(B) OBJECTIONS.—No objection to the  
17 action of the Secretary shall be considered by  
18 the court unless the Department has registered  
19 the objection before the Secretary.

20 “(3) DISPOSITION.—

21 “(A) COURT PROCEEDINGS.—

22 “(i) JURISDICTION OF COURT.—The  
23 court shall have jurisdiction to affirm or  
24 modify the action of the Secretary or to set  
25 the action aside in whole or in part.

1           “(ii) FINDINGS OF FACT.—If sup-  
2           ported by substantial evidence on the  
3           record considered as a whole, the findings  
4           of fact by the Secretary shall be conclusive.

5           “(iii) ADDITION.—The court may  
6           order evidence, in addition to the evidence  
7           submitted for review under this subsection,  
8           to be taken by the Secretary, and to be  
9           made part of the record.

10          “(B) SECRETARY.—

11               “(i) IN GENERAL.—The Secretary, by  
12               reason of the additional evidence referred  
13               to in subparagraph (A) and filed with the  
14               court—

15                       “(I) may—

16                               “(aa) modify the findings of  
17                               fact of the Secretary; or

18                               “(bb) make new findings;  
19                               and

20                       “(II) shall file—

21                               “(aa) such modified or new  
22                               findings; and

23                               “(bb) the recommendation  
24                               of the Secretary, if any, for the  
25                               modification or setting aside of



1 the original action of the Sec-  
2 retary.

3 “(ii) FINDINGS.—The findings re-  
4 ferred to in clause (i)(II)(bb) shall, with  
5 respect to a question of fact, be considered  
6 to be conclusive if those findings are—

7 “(I) supported by substantial evi-  
8 dence on the record; and

9 “(II) considered as a whole.

10 “(4) FINALITY.—

11 “(A) IN GENERAL.—Except as provided in  
12 subparagraph (B), upon the filing of the record  
13 under this subsection with the court—

14 “(i) the jurisdiction of the court shall  
15 be exclusive; and

16 “(ii) the judgment of the court shall  
17 be final.

18 “(B) REVIEW BY SUPREME COURT.—A  
19 judgment under subparagraph (A) shall be sub-  
20 ject to review by the Supreme Court of the  
21 United States upon writ of certiorari or certifi-  
22 cation, as provided in section 1254 of title 28,  
23 United States Code.

24 **“SEC. 819. MONITORING OF COMPLIANCE.**

25 “(a) ENFORCEABLE AGREEMENTS.—

1           “(1) IN GENERAL.—The Director, through  
2 binding contractual agreements with owners or other  
3 authorized entities, shall ensure long-term compli-  
4 ance with the provisions of this title.

5           “(2) MEASURES.—The measures referred to in  
6 paragraph (1) shall provide for—

7               “(A) to the extent allowable by Federal  
8 and State law, the enforcement of the provi-  
9 sions of this title by the Department and the  
10 Secretary; and

11               “(B) remedies for breach of the provisions  
12 referred to in paragraph (1).

13           “(b) PERIODIC MONITORING.—

14               “(1) IN GENERAL.—Not less frequently than  
15 annually, the Director shall review the activities con-  
16 ducted and housing assisted under this title to as-  
17 sess compliance with the requirements of this title.

18               “(2) REVIEW.—Each review under paragraph  
19 (1) shall include onsite inspection of housing to de-  
20 termine compliance with applicable requirements.

21               “(3) RESULTS.—The results of each review  
22 under paragraph (1) shall be—

23               “(A) included in a performance report of  
24 the Director submitted to the Secretary under  
25 section 820; and

1 “(B) made available to the public.

2 “(c) PERFORMANCE MEASURES.—The Secretary  
3 shall establish such performance measures as may be nec-  
4 essary to assess compliance with the requirements of this  
5 title.

6 **“SEC. 820. PERFORMANCE REPORTS.**

7 “(a) REQUIREMENT.—For each fiscal year, the Di-  
8 rector shall—

9 “(1) review the progress the Department has  
10 made during that fiscal year in carrying out the  
11 housing plan submitted by the Department under  
12 section 803; and

13 “(2) submit a report to the Secretary (in a  
14 form acceptable to the Secretary) describing the con-  
15 clusions of the review.

16 “(b) CONTENT.—Each report submitted under this  
17 section for a fiscal year shall—

18 “(1) describe the use of grant amounts provided  
19 to the Department of Hawaiian Home Lands for  
20 that fiscal year;

21 “(2) assess the relationship of the use referred  
22 to in paragraph (1) to the goals identified in the  
23 housing plan;

24 “(3) indicate the programmatic accomplish-  
25 ments of the Department; and

1           “(4) describe the manner in which the Depart-  
2           ment would change its housing plan submitted under  
3           section 803 as a result of its experiences.

4           “(c) SUBMISSIONS.—The Secretary shall—

5                 “(1) establish a date for submission of each re-  
6           port under this section;

7                 “(2) review each such report; and

8                 “(3) with respect to each such report, make rec-  
9           ommendations as the Secretary considers appro-  
10          prium to carry out the purposes of this title.

11          “(d) PUBLIC AVAILABILITY.—

12                 “(1) COMMENTS BY BENEFICIARIES.—In pre-  
13          paring a report under this section, the Director shall  
14          make the report publicly available to the bene-  
15          ficiaries of the Hawaiian Homes Commission Act,  
16          1920 (42 Stat. 108 et seq.) and give a sufficient  
17          amount of time to permit those beneficiaries to com-  
18          ment on that report before it is submitted to the  
19          Secretary (in such manner and at such time as the  
20          Director may determine).

21                 “(2) SUMMARY OF COMMENTS.—The report  
22          shall include a summary of any comments received  
23          by the Director from beneficiaries under paragraph  
24          (1) regarding the program to carry out the housing  
25          plan.

1 **“SEC. 821. REVIEW AND AUDIT BY SECRETARY.**

2 “(a) ANNUAL REVIEW.—

3 “(1) IN GENERAL.—The Secretary shall, not  
4 less frequently than on an annual basis, make such  
5 reviews and audits as may be necessary or appro-  
6 priate to determine whether—

7 “(A) the Director has—

8 “(i) carried out eligible activities  
9 under this title in a timely manner;

10 “(ii) carried out and made certifi-  
11 cations in accordance with the require-  
12 ments and the primary objectives of this  
13 title and with other applicable laws; and

14 “(iii) a continuing capacity to carry  
15 out the eligible activities in a timely man-  
16 ner;

17 “(B) the Director has complied with the  
18 housing plan submitted by the Director under  
19 section 803; and

20 “(C) the performance reports of the De-  
21 partment under section 821 are accurate.

22 “(2) ONSITE VISITS.—Each review conducted  
23 under this section shall, to the extent practicable, in-  
24 clude onsite visits by employees of the Department  
25 of Housing and Urban Development.

1       “(b) REPORT BY SECRETARY.—The Secretary shall  
2 give the Department of Hawaiian Home Lands not less  
3 than 30 days to review and comment on a report under  
4 this subsection. After taking into consideration the com-  
5 ments of the Department, the Secretary may revise the  
6 report and shall make the comments of the Department  
7 and the report with any revisions, readily available to the  
8 public not later than 30 days after receipt of the com-  
9 ments of the Department.

10       “(c) EFFECT OF REVIEWS.—The Secretary may  
11 make appropriate adjustments in the amount of annual  
12 grants under this title in accordance with the findings of  
13 the Secretary pursuant to reviews and audits under this  
14 section. The Secretary may adjust, reduce, or withdraw  
15 grant amounts, or take other action as appropriate in ac-  
16 cordance with the reviews and audits of the Secretary  
17 under this section, except that grant amounts already ex-  
18 pended on affordable housing activities may not be recap-  
19 tured or deducted from future assistance provided to the  
20 Department of Hawaiian Home Lands.

21       **“SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.**

22       “To the extent that the financial transactions of the  
23 Department of Hawaiian Home Lands involving grant  
24 amounts under this title relate to amounts provided under  
25 this title, those transactions may be audited by the Comp-

1 troller General of the United States under such regula-  
2 tions as may be prescribed by the Comptroller General.  
3 The Comptroller General of the United States shall have  
4 access to all books, accounts, records, reports, files, and  
5 other papers, things, or property belonging to or in use  
6 by the Department of Hawaiian Home Lands pertaining  
7 to such financial transactions and necessary to facilitate  
8 the audit.

9 **“SEC. 823. REPORTS TO CONGRESS.**

10 “(a) IN GENERAL.—Not later than 90 days after the  
11 conclusion of each fiscal year in which assistance under  
12 this title is made available, the Secretary shall submit to  
13 Congress a report that contains—

14 “(1) a description of the progress made in ac-  
15 complishing the objectives of this title;

16 “(2) a summary of the use of funds available  
17 under this title during the preceding fiscal year; and

18 “(3) a description of the aggregate outstanding  
19 loan guarantees under section 184A of the Housing  
20 and Community Development Act of 1992.

21 “(b) RELATED REPORTS.—The Secretary may re-  
22 quire the Director to submit to the Secretary such reports  
23 and other information as may be necessary in order for  
24 the Secretary to prepare the report required under sub-  
25 section (a).

1 **“SEC. 824. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to the De-  
3 partment of Housing and Urban Development for grants  
4 under this title such sums as may be necessary for each  
5 of fiscal years 2000, 2001, 2002, 2003, and 2004.”.

6 **SEC. 204. LOAN GUARANTEES FOR NATIVE HAWAIIAN**  
7 **HOUSING.**

8 Subtitle E of title I of the Housing and Community  
9 Development Act of 1992 is amended by inserting after  
10 section 184 (12 U.S.C. 1715z–13a) the following:

11 **“SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN**  
12 **HOUSING.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) DEPARTMENT OF HAWAIIAN HOME  
15 LANDS.—The term ‘Department of Hawaiian Home  
16 Lands’ means the agency or department of the gov-  
17 ernment of the State of Hawaii that is responsible  
18 for the administration of the Hawaiian Homes Com-  
19 mission Act, 1920 (42 Stat. 108 et seq.).

20 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
21 tity’ means a Native Hawaiian family, the Depart-  
22 ment of Hawaiian Home Lands, the Office of Ha-  
23 waiian Affairs, and private nonprofit or private for-  
24 profit organizations experienced in the planning and  
25 development of affordable housing for Native Hawai-  
26 ians.



1           “(3) FAMILY.—The term ‘family’ means 1 or  
2           more persons maintaining a household, as the Sec-  
3           retary shall by regulation provide.

4           “(4) GUARANTEE FUND.—The term ‘Guarantee  
5           Fund’ means the Native Hawaiian Housing Loan  
6           Guarantee Fund established under subsection (i).

7           “(5) HAWAIIAN HOME LANDS.—The term ‘Ha-  
8           waiian Home Lands’ means lands that—

9                   “(A) have the status of Hawaiian Home  
10           Lands under section 204 of the Hawaiian  
11           Homes Commission Act (42 Stat. 110); or

12                   “(B) are acquired pursuant to that Act.

13           “(6) NATIVE HAWAIIAN.—The term ‘Native  
14           Hawaiian’ means any individual who is—

15                   “(A) a citizen of the United States; and

16                   “(B) a descendant of the aboriginal people,  
17           who, prior to 1778, occupied and exercised sov-  
18           ereignty in the area that currently constitutes  
19           the State of Hawaii, as evidenced by—

20                   “(i) genealogical records;

21                   “(ii) verification by kupuna (elders) or  
22           kama’aina (long-term community resi-  
23           dents); or

24                   “(iii) birth records of the State of Ha-  
25           waii.

1           “(7) OFFICE OF HAWAIIAN AFFAIRS.—The  
2           term ‘Office of Hawaiian Affairs’ means the entity  
3           of that name established under the constitution of  
4           the State of Hawaii.

5           “(b) AUTHORITY.—To provide access to sources of  
6           private financing to Native Hawaiian families who other-  
7           wise could not acquire housing financing because of the  
8           unique legal status of the Hawaiian Home Lands or as  
9           a result of a lack of access to private financial markets,  
10          the Secretary may guarantee an amount not to exceed 100  
11          percent of the unpaid principal and interest that is due  
12          on an eligible loan under subsection (c).

13          “(c) ELIGIBLE LOANS.—Under this section, a loan  
14          is an eligible loan if that loan meets the following require-  
15          ments:

16                 “(1) ELIGIBLE BORROWERS.—The loan is made  
17                 only to a borrower who is—

18                         “(A) a Native Hawaiian family;

19                         “(B) the Department of Hawaiian Home  
20                         Lands;

21                         “(C) the Office of Hawaiian Affairs; or

22                         “(D) a private nonprofit organization expe-  
23                         rienced in the planning and development of af-  
24                         fordable housing for Native Hawaiians.

25                 “(2) ELIGIBLE HOUSING.—

1           “(A) IN GENERAL.—The loan will be used  
2           to construct, acquire, or rehabilitate not more  
3           than 4-family dwellings that are standard hous-  
4           ing and are located on Hawaiian Home Lands  
5           for which a housing plan described in subpara-  
6           graph (B) applies.

7           “(B) HOUSING PLAN.—A housing plan de-  
8           scribed in this subparagraph is a housing plan  
9           that—

10           “(i) has been submitted and approved  
11           by the Secretary under section 803 of the  
12           Native American Housing Assistance and  
13           Self-Determination Act of 1996; and

14           “(ii) provides for the use of loan guar-  
15           antees under this section to provide afford-  
16           able homeownership housing on Hawaiian  
17           Home Lands.

18           “(3) SECURITY.—The loan may be secured by  
19           any collateral authorized under applicable Federal or  
20           State law.

21           “(4) LENDERS.—

22           “(A) IN GENERAL.—The loan shall be  
23           made only by a lender approved by, and meet-  
24           ing qualifications established by, the Secretary,  
25           including any lender described in subparagraph

1 (B), except that a loan otherwise insured or  
2 guaranteed by an agency of the Federal Gov-  
3 ernment or made by the Department of Hawai-  
4 ian Home Lands from amounts borrowed from  
5 the United States shall not be eligible for a  
6 guarantee under this section.

7 “(B) APPROVAL.—The following lenders  
8 shall be considered to be lenders that have been  
9 approved by the Secretary:

10 “(i) Any mortgagee approved by the  
11 Secretary for participation in the single  
12 family mortgage insurance program under  
13 title II of the National Housing Act (12  
14 U.S.C.A. 1707 et seq.).

15 “(ii) Any lender that makes housing  
16 loans under chapter 37 of title 38, United  
17 States Code, that are automatically guar-  
18 anteed under section 3702(d) of title 38,  
19 United States Code.

20 “(iii) Any lender approved by the Sec-  
21 retary of Agriculture to make guaranteed  
22 loans for single family housing under the  
23 Housing Act of 1949 (42 U.S.C.A. 1441 et  
24 seq.).

1                   “(iv) Any other lender that is super-  
2                   vised, approved, regulated, or insured by  
3                   any agency of the Federal Government.

4                   “(5) TERMS.—The loan shall—

5                   “(A) be made for a term not exceeding 30  
6                   years;

7                   “(B) bear interest (exclusive of the guar-  
8                   antee fee under subsection (e) and service  
9                   charges, if any) at a rate agreed upon by the  
10                  borrower and the lender and determined by the  
11                  Secretary to be reasonable, but not to exceed  
12                  the rate generally charged in the area (as deter-  
13                  mined by the Secretary) for home mortgage  
14                  loans not guaranteed or insured by any agency  
15                  or instrumentality of the Federal Government;

16                  “(C) involve a principal obligation not  
17                  exceeding—

18                  “(i) 97.75 percent of the appraised  
19                  value of the property as of the date the  
20                  loan is accepted for guarantee (or 98.75  
21                  percent if the value of the property is  
22                  \$50,000 or less); or

23                  “(ii) the amount approved by the Sec-  
24                  retary under this section; and

1 “(D) involve a payment on account of the  
2 property—

3 “(i) in cash or its equivalent; or

4 “(ii) through the value of any im-  
5 provements to the property made through  
6 the skilled or unskilled labor of the bor-  
7 rower, as the Secretary shall provide.

8 “(d) CERTIFICATE OF GUARANTEE.—

9 “(1) APPROVAL PROCESS.—

10 “(A) IN GENERAL.—Before the Secretary  
11 approves any loan for guarantee under this sec-  
12 tion, the lender shall submit the application for  
13 the loan to the Secretary for examination.

14 “(B) APPROVAL.—If the Secretary ap-  
15 proves the application submitted under sub-  
16 paragraph (A), the Secretary shall issue a cer-  
17 tificate under this subsection as evidence of the  
18 loan guarantee approved.

19 “(2) STANDARD FOR APPROVAL.—The Sec-  
20 retary may approve a loan for guarantee under this  
21 section and issue a certificate under this subsection  
22 only if the Secretary determines that there is a rea-  
23 sonable prospect of repayment of the loan.

24 “(3) EFFECT.—

1           “(A) IN GENERAL.—A certificate of guar-  
2           antee issued under this subsection by the Sec-  
3           retary shall be conclusive evidence of the eligi-  
4           bility of the loan for guarantee under this sec-  
5           tion and the amount of that guarantee.

6           “(B) EVIDENCE.—The evidence referred to  
7           in subparagraph (A) shall be incontestable in  
8           the hands of the bearer.

9           “(C) FULL FAITH AND CREDIT.—The full  
10          faith and credit of the United States is pledged  
11          to the payment of all amounts agreed to be paid  
12          by the Secretary as security for the obligations  
13          made by the Secretary under this section.

14          “(4) FRAUD AND MISREPRESENTATION.—This  
15          subsection may not be construed—

16               “(A) to preclude the Secretary from estab-  
17               lishing defenses against the original lender  
18               based on fraud or material misrepresentation;  
19               or

20               “(B) to bar the Secretary from estab-  
21               lishing by regulations that are on the date of  
22               issuance or disbursement, whichever is earlier,  
23               partial defenses to the amount payable on the  
24               guarantee.

25          “(e) GUARANTEE FEE.—

1           “(1) IN GENERAL.—The Secretary shall fix and  
2           collect a guarantee fee for the guarantee of a loan  
3           under this section, which may not exceed the amount  
4           equal to 1 percent of the principal obligation of the  
5           loan.

6           “(2) PAYMENT.—The fee under this subsection  
7           shall—

8                   “(A) be paid by the lender at time of  
9                   issuance of the guarantee; and

10                   “(B) be adequate, in the determination of  
11                   the Secretary, to cover expenses and probable  
12                   losses.

13           “(3) DEPOSIT.—The Secretary shall deposit  
14           any fees collected under this subsection in the Na-  
15           tive Hawaiian Housing Loan Guarantee Fund estab-  
16           lished under subsection (j).

17           “(f) LIABILITY UNDER GUARANTEE.—The liability  
18           under a guarantee provided under this section shall de-  
19           crease or increase on a pro rata basis according to any  
20           decrease or increase in the amount of the unpaid obliga-  
21           tion under the provisions of the loan agreement involved.

22           “(g) TRANSFER AND ASSUMPTION.—Notwith-  
23           standing any other provision of law, any loan guaranteed  
24           under this section, including the security given for the  
25           loan, may be sold or assigned by the lender to any finan-



1 cial institution subject to examination and supervision by  
 2 an agency of the Federal Government or of any State or  
 3 the District of Columbia.

4 “(h) DISQUALIFICATION OF LENDERS AND CIVIL  
 5 MONEY PENALTIES.—

6 “(1) IN GENERAL.—

7 “(A) GROUNDS FOR ACTION.—The Sec-  
 8 retary may take action under subparagraph (B)  
 9 if the Secretary determines that any lender or  
 10 holder of a guarantee certificate under sub-  
 11 section (d)—

12 “(i) has failed—

13 “(I) to maintain adequate ac-  
 14 counting records;

15 “(II) to service adequately loans  
 16 guaranteed under this section; or

17 “(III) to exercise proper credit or  
 18 underwriting judgment; or

19 “(ii) has engaged in practices other-  
 20 wise detrimental to the interest of a bor-  
 21 rower or the United States.

22 “(B) ACTIONS.—Upon a determination by  
 23 the Secretary that a holder of a guarantee cer-  
 24 tificate under subsection (d) has failed to carry  
 25 out an activity described in subparagraph (A)(i)

1 or has engaged in practices described in sub-  
2 paragraph (A)(ii), the Secretary may—

3 “(i) refuse, either temporarily or per-  
4 manently, to guarantee any further loans  
5 made by such lender or holder;

6 “(ii) bar such lender or holder from  
7 acquiring additional loans guaranteed  
8 under this section; and

9 “(iii) require that such lender or hold-  
10 er assume not less than 10 percent of any  
11 loss on further loans made or held by the  
12 lender or holder that are guaranteed under  
13 this section.

14 “(2) CIVIL MONEY PENALTIES FOR INTEN-  
15 TIONAL VIOLATIONS.—

16 “(A) IN GENERAL.—The Secretary may  
17 impose a civil monetary penalty on a lender or  
18 holder of a guarantee certificate under sub-  
19 section (d) if the Secretary determines that the  
20 holder or lender has intentionally failed—

21 “(i) to maintain adequate accounting  
22 records;

23 “(ii) to adequately service loans guar-  
24 anteed under this section; or

1 “(iii) to exercise proper credit or un-  
2 derwriting judgment.

3 “(B) PENALTIES.—A civil monetary pen-  
4 alty imposed under this paragraph shall be im-  
5 posed in the manner and be in an amount pro-  
6 vided under section 536 of the National Hous-  
7 ing Act (12 U.S.C.A. 1735f–1) with respect to  
8 mortgagees and lenders under that Act.

9 “(3) PAYMENT ON LOANS MADE IN GOOD  
10 FAITH.—Notwithstanding paragraphs (1) and (2), if  
11 a loan was made in good faith, the Secretary may  
12 not refuse to pay a lender or holder of a valid guar-  
13 antee on that loan, without regard to whether the  
14 lender or holder is barred under this subsection.

15 “(i) PAYMENT UNDER GUARANTEE.—

16 “(1) LENDER OPTIONS.—

17 “(A) IN GENERAL.—

18 “(i) NOTIFICATION.—If a borrower on  
19 a loan guaranteed under this section de-  
20 faults on the loan, the holder of the guar-  
21 antee certificate shall provide written no-  
22 tice of the default to the Secretary.

23 “(ii) PAYMENT.—Upon providing the  
24 notice required under clause (i), the holder  
25 of the guarantee certificate shall be enti-

1           tled to payment under the guarantee (sub-  
2           ject to the provisions of this section) and  
3           may proceed to obtain payment in 1 of the  
4           following manners:

5                   “(I) FORECLOSURE.—

6                           “(aa) IN GENERAL.—The  
7                           holder of the certificate may ini-  
8                           tiate foreclosure proceedings  
9                           (after providing written notice of  
10                          that action to the Secretary).

11                          “(bb) PAYMENT.—Upon a  
12                          final order by the court author-  
13                          izing foreclosure and submission  
14                          to the Secretary of a claim for  
15                          payment under the guarantee,  
16                          the Secretary shall pay to the  
17                          holder of the certificate the pro  
18                          rata portion of the amount guar-  
19                          anteed (as determined pursuant  
20                          to subsection (f)) plus reasonable  
21                          fees and expenses as approved by  
22                          the Secretary.

23                          “(cc) SUBROGATION.—The  
24                          rights of the Secretary shall be  
25                          subrogated to the rights of the

1 holder of the guarantee. The  
2 holder shall assign the obligation  
3 and security to the Secretary.

4 “(II) NO FORECLOSURE.—

5 “(aa) IN GENERAL.—With-  
6 out seeking foreclosure (or in any  
7 case in which a foreclosure pro-  
8 ceeding initiated under clause (i)  
9 continues for a period in excess  
10 of 1 year), the holder of the  
11 guarantee may submit to the  
12 Secretary a request to assign the  
13 obligation and security interest to  
14 the Secretary in return for pay-  
15 ment of the claim under the  
16 guarantee. The Secretary may  
17 accept assignment of the loan if  
18 the Secretary determines that the  
19 assignment is in the best interest  
20 of the United States.

21 “(bb) PAYMENT.—Upon as-  
22 signment, the Secretary shall pay  
23 to the holder of the guarantee  
24 the pro rata portion of the

1 amount guaranteed (as deter-  
2 mined under subsection (f)).

3 “(cc) SUBROGATION.—The  
4 rights of the Secretary shall be  
5 subrogated to the rights of the  
6 holder of the guarantee. The  
7 holder shall assign the obligation  
8 and security to the Secretary.

9 “(B) REQUIREMENTS.—Before any pay-  
10 ment under a guarantee is made under sub-  
11 paragraph (A), the holder of the guarantee  
12 shall exhaust all reasonable possibilities of col-  
13 lection. Upon payment, in whole or in part, to  
14 the holder, the note or judgment evidencing the  
15 debt shall be assigned to the United States and  
16 the holder shall have no further claim against  
17 the borrower or the United States. The Sec-  
18 retary shall then take such action to collect as  
19 the Secretary determines to be appropriate.

20 “(2) LIMITATIONS ON LIQUIDATION.—

21 “(A) IN GENERAL.—If a borrower defaults  
22 on a loan guaranteed under this section that in-  
23 volves a security interest in restricted Hawaiian  
24 Home Land property, the mortgagee or the  
25 Secretary shall only pursue liquidation after of-

fering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

“(B) LIMITATION.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

“(j) NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Native Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

“(2) CREDITS.—The Guarantee Fund shall be credited with—

“(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

1           “(B) any amounts appropriated pursuant  
2           to paragraph (7);

3           “(C) any guarantee fees collected under  
4           subsection (d); and

5           “(D) any interest or earnings on amounts  
6           invested under paragraph (4).

7           “(3) USE.—Amounts in the Guarantee Fund  
8           shall be available, to the extent provided in appro-  
9           priations Acts, for—

10           “(A) fulfilling any obligations of the Sec-  
11           retary with respect to loans guaranteed under  
12           this section, including the costs (as that term is  
13           defined in section 502 of the Federal Credit Re-  
14           form Act of 1990 (2 U.S.C. 661a)) of such  
15           loans;

16           “(B) paying taxes, insurance, prior liens,  
17           expenses necessary to make fiscal adjustment in  
18           connection with the application and transmittal  
19           of collections, and other expenses and advances  
20           to protect the Secretary for loans which are  
21           guaranteed under this section or held by the  
22           Secretary;

23           “(C) acquiring such security property at  
24           foreclosure sales or otherwise;



1           “(D) paying administrative expenses in  
2           connection with this section; and

3           “(E) reasonable and necessary costs of re-  
4           habilitation and repair to properties that the  
5           Secretary holds or owns pursuant to this sec-  
6           tion.

7           “(4) INVESTMENT.—Any amounts in the Guar-  
8           antee Fund determined by the Secretary to be in ex-  
9           cess of amounts currently required at the time of the  
10          determination to carry out this section may be in-  
11          vested in obligations of the United States.

12          “(5) LIMITATION ON COMMITMENTS TO GUAR-  
13          ANTEE LOANS AND MORTGAGES.—

14               “(A) REQUIREMENT OF APPROPRIA-  
15               TIONS.—The authority of the Secretary to enter  
16               into commitments to guarantee loans under this  
17               section shall be effective for any fiscal year to  
18               the extent, or in such amounts as are, or have  
19               been, provided in appropriations Acts, without  
20               regard to the fiscal year for which such  
21               amounts were appropriated.

22               “(B) LIMITATIONS ON COSTS OF GUARAN-  
23               TEES.—The authority of the Secretary to enter  
24               into commitments to guarantee loans under this  
25               section shall be effective for any fiscal year only

1 to the extent that amounts in the Guarantee  
2 Fund are or have been made available in appro-  
3 priations Acts to cover the costs (as that term  
4 is defined in section 502 of the Federal Credit  
5 Reform Act of 1990 (2 U.S.C. 661a)) of such  
6 loan guarantees for such fiscal year. Any  
7 amounts appropriated pursuant to this subpara-  
8 graph shall remain available until expended.

9 “(C) LIMITATION ON OUTSTANDING AG-  
10 GREGATE PRINCIPAL AMOUNT.—Subject to the  
11 limitations in subparagraphs (A) and (B), the  
12 Secretary may enter into commitments to guar-  
13 antee loans under this section for each of fiscal  
14 years 2000, 2001, 2002, 2003, and 2004 with  
15 an aggregate outstanding principal amount not  
16 exceeding \$100,000,000 for each such fiscal  
17 year.

18 “(6) LIABILITIES.—All liabilities and obliga-  
19 tions of the assets credited to the Guarantee Fund  
20 under paragraph (2)(A) shall be liabilities and obli-  
21 gations of the Guarantee Fund.

22 “(7) AUTHORIZATION OF APPROPRIATIONS.—  
23 There are authorized to be appropriated to the  
24 Guarantee Fund to carry out this section such sums

1 as may be necessary for each of fiscal years 2000,  
2 2001, 2002, 2003, and 2004.

3 “(k) REQUIREMENTS FOR STANDARD HOUSING.—

4 “(1) IN GENERAL.—The Secretary shall, by  
5 regulation, establish housing safety and quality  
6 standards to be applied for use under this section.

7 “(2) STANDARDS.—The standards referred to  
8 in paragraph (1) shall—

9 “(A) provide sufficient flexibility to permit  
10 the use of various designs and materials in  
11 housing acquired with loans guaranteed under  
12 this section; and

13 “(B) require each dwelling unit in any  
14 housing acquired in the manner described in  
15 subparagraph (A) to—

16 “(i) be decent, safe, sanitary, and  
17 modest in size and design;

18 “(ii) conform with applicable general  
19 construction standards for the region in  
20 which the housing is located;

21 “(iii) contain a plumbing system  
22 that—

23 “(I) uses a properly installed sys-  
24 tem of piping;

1 “(II) includes a kitchen sink and  
2 a partitioned bathroom with lavatory,  
3 toilet, and bath or shower; and

4 “(III) uses water supply, plumbing,  
5 ing, and sewage disposal systems that  
6 conform to any minimum standards  
7 established by the applicable county or  
8 State;

9 “(iv) contain an electrical system  
10 using wiring and equipment properly in-  
11 stalled to safely supply electrical energy for  
12 adequate lighting and for operation of ap-  
13 pliances that conforms to any appropriate  
14 county, State, or national code;

15 “(v) be not less than the size provided  
16 under the applicable locally adopted stand-  
17 ards for size of dwelling units, except that  
18 the Secretary, upon request of the Depart-  
19 ment of Hawaiian Home Lands may waive  
20 the size requirements under this para-  
21 graph; and

22 “(vi) conform with the energy per-  
23 formance requirements for new construc-  
24 tion established by the Secretary under  
25 section 526(a) of the National Housing

1 Act (12 U.S.C.A. 1735f–4), unless the Sec-  
2 retary determines that the requirements  
3 are not applicable.

4 “(l) APPLICABILITY OF CIVIL RIGHTS STATUTES.—  
5 To the extent that the requirements of title VI of the Civil  
6 Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of title  
7 VIII of the Act popularly known as the ‘Civil Rights Act  
8 of 1968’ (42 U.S.C.A. 3601 et seq.) apply to a guarantee  
9 provided under this subsection, nothing in the require-  
10 ments concerning discrimination on the basis of race shall  
11 be construed to prevent the provision of the guarantee to  
12 an eligible entity on the basis that the entity serves Native  
13 Hawaiian families or is a Native Hawaiian family.”.

14 **TITLE III—COUSHATTA TRIBE**  
15 **OF LOUISIANA LAND TRANS-**  
16 **ACTIONS**

17 **SEC. 301. APPROVAL NOT REQUIRED TO VALIDATE LAND**  
18 **TRANSACTIONS.**

19 (a) IN GENERAL.—Notwithstanding any other provi-  
20 sion of law, without further approval, ratification, or au-  
21 thorization by the United States, the Coushatta Tribe of  
22 Louisiana, may lease, sell, convey, warrant, or otherwise  
23 transfer all or any part of the Tribe’s interest in any real  
24 property that is not held in trust by the United States  
25 for the benefit of the Tribe.

1 (b) TRUST LAND NOT AFFECTED.—Nothing in this  
2 section is intended or shall be construed to—

3 (1) authorize the Coushatta Tribe of Louisiana  
4 to lease, sell, convey, warrant, or otherwise transfer  
5 all or any part of an interest in any real property  
6 that is held in trust by the United States for the  
7 benefit of the Tribe; or

8 (2) affect the operation of any law governing  
9 leasing, selling, conveying, warranting, or otherwise  
10 transferring any interest in such trust land.

11 **TITLE IV—WAKPA SICA**  
12 **RECONCILIATION PLACE**

13 **SEC. 401. FINDINGS.**

14 Congress finds that—

15 (1) there is a continuing need for reconciliation  
16 between Indians and non-Indians;

17 (2) the need may be met partially through the  
18 promotion of the understanding of the history and  
19 culture of Sioux Indian tribes;

20 (3) the establishment of a Sioux Nation Tribal  
21 Supreme Court will promote economic development  
22 on reservations of the Sioux Nation and provide in-  
23 vestors that contribute to that development a greater  
24 degree of certainty and confidence by—

25 (A) reconciling conflicting tribal laws; and

1 (B) strengthening tribal court systems;

2 (4) the reservations of the Sioux Nation—

3 (A) contain the poorest counties in the  
4 United States; and

5 (B) lack adequate tools to promote eco-  
6 nomic development and the creation of jobs;

7 (5) there is a need to enhance and strengthen  
8 the capacity of Indian tribal governments and tribal  
9 justice systems to address conflicts which impair re-  
10 lationships in Indian communities and between In-  
11 dian and non-Indian communities and individuals;  
12 and

13 (6) the establishment of the National Native  
14 American Mediation Training Center, with the tech-  
15 nical assistance of tribal and Federal agencies, in-  
16 cluding the Community Relations Service of the De-  
17 partment of Justice, would enhance and strengthen  
18 the mediation skills that are useful in reducing ten-  
19 sions and resolving conflicts in Indian communities  
20 and between Indian and non-Indian communities  
21 and individuals.

22 **SEC. 402. DEFINITIONS.**

23 In this title:

24 (1) INDIAN TRIBE.—The term “Indian tribe”  
25 has the meaning given that term in section 4(e) of

1 the Indian Self-Determination and Education Assist-  
 2 ance Act (25 U.S.C. 450b(e)).

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

5 (3) SIOUX NATION.—The term “Sioux Nation”  
 6 means the Cheyenne River Sioux Tribe, the Crow  
 7 Creek Sioux Tribe, the Flandreau Santee Sioux  
 8 Tribe, the Lower Brule Sioux Tribe, the Oglala  
 9 Sioux Tribe, the Rosebud Sioux Tribe, the Santee  
 10 Sioux Tribe, the Sisseton-Wahpeton Sioux Tribe, the  
 11 Spirit Lake Sioux Tribe, the Standing Rock Sioux  
 12 Tribe, and the Yankton Sioux Tribe.

## 13 **Subtitle A—Reconciliation Center**

### 14 **SEC. 411. RECONCILIATION CENTER.**

15 (a) ESTABLISHMENT.—The Secretary of Housing  
 16 and Urban Development, in cooperation with the Sec-  
 17 retary, shall establish, in accordance with this section, a  
 18 reconciliation center, to be known as “Wakpa Sica Rec-  
 19 onciliation Place”.

20 (b) LOCATION.—Notwithstanding any other provision  
 21 of law, the Secretary shall take into trust for the benefit  
 22 of the Sioux Nation the parcel of land in Stanley County,  
 23 South Dakota, that is described as the “Reconciliation  
 24 Place Addition” that is owned on the date of enactment  
 25 of this Act by the Wakpa Sica Historical Society, Inc.,



1 for the sole purpose of establishing and operating Wakpa  
2 Sica Reconciliation Place as described in subsection (c).

3 (c) PURPOSES.—The purposes of Wakpa Sica Rec-  
4 onciliation Place shall be as follows:

5 (1) To enhance the knowledge and under-  
6 standing of the history of Native Americans by—

7 (A) displaying and interpreting the history,  
8 art, and culture of Indian tribes for Indians  
9 and non-Indians; and

10 (B) providing an accessible repository  
11 for—

12 (i) the history of Indian tribes; and

13 (ii) the family history of members of  
14 Indian tribes.

15 (2) To provide for the interpretation of the en-  
16 counters between Lewis and Clark and the Sioux  
17 Nation.

18 (3) To house the Sioux Nation Tribal Supreme  
19 Court.

20 (4) To house a Native American economic de-  
21 velopment center.

22 (5) To house a facility to train tribal personnel  
23 in conflict resolution and alternative dispute resolu-  
24 tion.

25 (d) GRANT.—

1           (1) IN GENERAL.—The Secretary of Housing  
2           and Urban Development shall offer to award a grant  
3           to the Wakpa Sica Historical Society of Fort Pierre,  
4           South Dakota, for the construction of Wakpa Sica  
5           Reconciliation Place.

6           (2) GRANT AGREEMENT.—

7                 (A) IN GENERAL.—As a condition to re-  
8                 ceiving the grant under this subsection, the ap-  
9                 propriate official of the Wakpa Sica Historical  
10                Society shall enter into a grant agreement with  
11                the Secretary of Housing and Urban Develop-  
12                ment.

13               (B) CONSULTATION.—Before entering into  
14                a grant agreement under this paragraph, the  
15                Secretary of Housing and Urban Development  
16                shall consult with the Secretary concerning the  
17                contents of the agreement.

18               (C) DUTIES OF THE WAKPA SICA HISTOR-  
19                ICAL SOCIETY.—The grant agreement under  
20                this paragraph shall specify the duties of the  
21                Wakpa Sica Historical Society under this sec-  
22                tion and arrangements for the maintenance of  
23                Wakpa Sica Reconciliation Place.

24           (3) AUTHORIZATION OF APPROPRIATIONS.—  
25           There are authorized to be appropriated to the De-

1       partment of Housing and Urban Development  
2       \$18,258,441, to be used for the grant under this  
3       section.

4   **SEC. 412. SIOUX NATION TRIBAL SUPREME COURT.**

5       (a) IN GENERAL.—To ensure the development and  
6       operation of the Sioux Nation Tribal Supreme Court and  
7       for mediation training, the Attorney General of the United  
8       States shall use available funds to provide technical and  
9       financial assistance to the Sioux Nation.

10      (b) AUTHORIZATION OF APPROPRIATIONS.—To carry  
11     out this section, there are authorized to be appropriated  
12     to the Department of Justice such sums as are necessary.

13   **SEC. 413. LEGAL JURISDICTION NOT AFFECTED.**

14      Nothing in this title shall be construed to expand, di-  
15     minish, or otherwise amend the civil or criminal legal ju-  
16     risdiction of the Federal Government or any tribal or  
17     State government.

18                   **Subtitle B—GAO Study**

19   **SEC. 421. GAO STUDY.**

20      (a) IN GENERAL.—The Comptroller General shall  
21     conduct a study and make findings and recommendations  
22     with respect to—

23           (1) Federal programs designed to assist Indian  
24     tribes and tribal members with economic develop-

1       ment, job creation, entrepreneurship, and business  
2       development;

3               (2) the extent of use of the programs;

4               (3) how effectively such programs accomplish  
5       their mission; and

6               (4) ways in which the Federal Government  
7       could best provide economic development, job cre-  
8       ation, entrepreneurship, and business development  
9       for Indian tribes and tribal members.

10       (b) REPORT.—The Comptroller General shall submit  
11 a report to Congress on the study, findings, and rec-  
12 ommendations required by subsection (a) not later than  
13 1 year after the date of enactment of this Act.

## 14       **TITLE V—EXPENDITURE OF** 15       **FUNDS BY ZUNI INDIAN TRIBE**

### 16       **SEC. 501. EXPENDITURE OF FUNDS BY TRIBE AUTHORIZED.**

17       Section 3 of the Zuni Land Conservation Act of 1990  
18 (Public Law 101–486) is amended—

19               (1) in subsection (b)(1), by striking “The Sec-  
20       retary of the Interior” and inserting “The Zuni In-  
21       dian Tribe”; and

22               (2) in subsection (c)—

23                       (A) in paragraph (1), by striking “, subject  
24       to paragraph (2),”;

25                       (B) by striking paragraph (2);

(C) in paragraph (3), by striking “Secretary of the Interior” and inserting “Zuni Indian Tribe”; and

(D) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

## **TITLE VI—TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT**

### **SEC. 601. SHORT TITLE.**

This title may be cited as the “Torres-Martinez Desert Cahuilla Indians Claims Settlement Act”.

### **SEC. 602. CONGRESSIONAL FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds the following:

(1) In 1876, the Torres-Martinez Indian Reservation was created, reserving a single, 640-acre section of land in the Coachella Valley, California, north of the Salton Sink. The Reservation was expanded in 1891 by Executive order, pursuant to the Mission Indian Relief Act of 1891, adding about 12,000 acres to the original 640-acre reservation.

(2) Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the 1891 reservation lands.

1           (3) In 1909, an additional 12,000 acres of land,  
2           9,000 of which were then submerged under the  
3           Salton Sea, were added to the reservation under a  
4           Secretarial Order issued pursuant to a 1907 amend-  
5           ment of the Mission Indian Relief Act. Due to reced-  
6           ing water levels in the Salton Sea through the proc-  
7           ess of evaporation, at the time of the 1909 enlarge-  
8           ment of the reservation, there were some expecta-  
9           tions that the Salton Sea would recede within a pe-  
10          riod of 25 years.

11          (4) Through the present day, the majority of  
12          the lands added to the reservation in 1909 remain  
13          inundated due in part to the flowage of natural run-  
14          off and drainage water from the irrigation systems  
15          of the Imperial, Coachella, and Mexicali Valleys into  
16          the Salton Sea.

17          (5) In addition to those lands that are inun-  
18          dated, there are also tribal and individual Indian  
19          lands located on the perimeter of the Salton Sea  
20          that are not currently irrigable due to lack of proper  
21          drainage.

22          (6) In 1982, the United States brought an ac-  
23          tion in trespass entitled “United States of America,  
24          in its own right and on behalf of Torres-Martinez  
25          Band of Mission Indians and the Allottees therein v.

1 the Imperial Irrigation District and Coachella Valley  
2 Water District”, Case No. 82–1790 K (M) (here-  
3 after in this section referred to as the “U.S. Suit”)  
4 on behalf of the Torres-Martinez Indian Tribe and  
5 affected Indian allottees against the two water dis-  
6 tricts seeking damages related to the inundation of  
7 tribal- and allottee-owned lands and injunctive relief  
8 to prevent future discharge of water on such lands.

9 (7) On August 20, 1992, the Federal District  
10 Court for the Southern District of California entered  
11 a judgment in the U.S. Suit requiring the Coachella  
12 Valley Water District to pay \$212,908.41 in past  
13 and future damages and the Imperial Irrigation Dis-  
14 trict to pay \$2,795,694.33 in past and future dam-  
15 ages in lieu of the United States request for a per-  
16 manent injunction against continued flooding of the  
17 submerged lands.

18 (8) The United States, the Coachella Valley  
19 Water District, and the Imperial Irrigation District  
20 have filed notices of appeal with the United States  
21 Court of Appeals for the Ninth Circuit from the dis-  
22 trict court’s judgment in the U.S. Suit (Nos. 93–  
23 55389, 93–55398, and 93–55402), and the Tribe  
24 has filed a notice of appeal from the district court’s

1 denial of its motion to intervene as a matter of right  
2 (No. 92–55129).

3 (9) The Court of Appeals for the Ninth Circuit  
4 has stayed further action on the appeals pending the  
5 outcome of settlement negotiations.

6 (10) In 1991, the Tribe brought its own law-  
7 suit, Torres-Martinez Desert Cahuilla Indians, et al.,  
8 v. Imperial Irrigation District, et al., Case No. 91–  
9 1670 J (LSP) (hereafter in this section referred to  
10 as the “Indian Suit”) in the United States District  
11 Court, Southern District of California, against the  
12 two water districts, and amended the complaint to  
13 include as a plaintiff, Mary Resvaloso, in her own  
14 right, and as class representative of all other af-  
15 fected Indian allotment owners.

16 (11) The Indian Suit has been stayed by the  
17 district court to facilitate settlement negotiations.

18 (b) PURPOSE.—The purpose of this title is to facili-  
19 tate and implement the settlement agreement negotiated  
20 and executed by the parties to the U.S. Suit and Indian  
21 Suit for the purpose of resolving their conflicting claims  
22 to their mutual satisfaction and in the public interest.

23 **SEC. 603. DEFINITIONS.**

24 For the purposes of this title:



1           (1) **TRIBE.**—The term “Tribe” means the  
2       Torres-Martinez Desert Cahuilla Indians, a federally  
3       recognized Indian tribe with a reservation located in  
4       Riverside and Imperial Counties, California.

5           (2) **ALLOTTEES.**—The term “allottees” means  
6       those individual Tribe members, their successors,  
7       heirs, and assigns, who have individual ownership of  
8       allotted Indian trust lands within the Torres-Mar-  
9       tinez Indian Reservation.

10          (3) **SALTON SEA.**—The term “Salton Sea”  
11       means the inland body of water located in Riverside  
12       and Imperial Counties which serves as a drainage  
13       reservoir for water from precipitation, natural run-  
14       off, irrigation return flows, wastewater, floods, and  
15       other inflow from within its watershed area.

16          (4) **SETTLEMENT AGREEMENT.**—The term  
17       “Settlement Agreement” means the Agreement of  
18       Compromise and Settlement Concerning Claims to  
19       the Lands of the United States Within and on the  
20       Perimeter of the Salton Sea Drainage Reservoir  
21       Held in Trust for the Torres-Martinez Indians exe-  
22       cuted on June 18, 1996, as modified by the first,  
23       second, third, and fourth modifications thereto.

24          (5) **SECRETARY.**—The term “Secretary” means  
25       the Secretary of the Interior.

1           (6) PERMANENT FLOWAGE EASEMENT.—The  
2       term “permanent flowage easement” means the per-  
3       petual right by the water districts to use the de-  
4       scribed lands in the Salton Sink within and below  
5       the minus 220-foot contour as a drainage reservoir  
6       to receive and store water from their respective  
7       water and drainage systems, including flood water,  
8       return flows from irrigation, tail water, leach water,  
9       operational spills, and any other water which over-  
10      flows and floods such lands, originating from lands  
11      within such water districts.

12 **SEC. 604. RATIFICATION OF SETTLEMENT AGREEMENT.**

13       The United States hereby approves, ratifies, and con-  
14      firms the Settlement Agreement.

15 **SEC. 605. SETTLEMENT FUNDS.**

16       (a) ESTABLISHMENT OF TRIBAL AND ALLOTTEES  
17      SETTLEMENT TRUST FUNDS ACCOUNTS.—

18           (1) IN GENERAL.—There are established in the  
19      Treasury of the United States three settlement trust  
20      fund accounts to be known as the “Torres-Martinez  
21      Settlement Trust Funds Account”, the “Torres-Mar-  
22      tinez Allottees Settlement Account I”, and the  
23      “Torres-Martinez Allottees Settlement Account II”,  
24      respectively.

1           (2) AVAILABILITY.—Amounts held in the  
2       Torres-Martinez Settlement Trust Funds Account,  
3       the Torres-Martinez Allottees Settlement Account I,  
4       and the Torres-Martinez Allottees Settlement Ac-  
5       count II shall be available to the Secretary for dis-  
6       tribution to the Tribe and affected allottees in ac-  
7       cordance with subsection (c).

8       (b) CONTRIBUTIONS TO THE SETTLEMENT TRUST  
9       FUNDS.—

10           (1) IN GENERAL.—Amounts paid to the Sec-  
11       retary for deposit into the trust fund accounts estab-  
12       lished by subsection (a) shall be allocated among  
13       and deposited in the trust accounts in the amounts  
14       determined by the tribal-allottee allocation provisions  
15       of the Settlement Agreement.

16           (2) CASH PAYMENTS BY COACHELLA VALLEY  
17       WATER DISTRICT.—Within the time, in the manner,  
18       and upon the conditions specified in the Settlement  
19       Agreement, the Coachella Valley Water District shall  
20       pay the sum of \$337,908.41 to the United States for  
21       the benefit of the Tribe and any affected allottees.

22           (3) CASH PAYMENTS BY IMPERIAL IRRIGATION  
23       DISTRICT.—Within the time, in the manner, and  
24       upon the conditions specified in the Settlement  
25       Agreement, the Imperial Irrigation District shall pay

1 the sum of \$3,670,694.33 to the United States for  
2 the benefit of the Tribe and any affected allottees.

3 (4) CASH PAYMENTS BY THE UNITED  
4 STATES.—Within the time and upon the conditions  
5 specified in the Settlement Agreement, the United  
6 States shall pay into the three separate tribal and  
7 allottee trust fund accounts the total sum of  
8 \$10,200,000, of which sum—

9 (A) \$4,200,000 shall be provided from  
10 moneys appropriated by Congress under section  
11 1304 of title 31, United States Code, the condi-  
12 tions of which are deemed to have been met, in-  
13 cluding those of section 2414 of title 28, United  
14 States Code; and

15 (B) \$6,000,000 shall be provided from  
16 moneys appropriated by Congress for this spe-  
17 cific purpose to the Secretary.

18 (5) ADDITIONAL PAYMENTS.—In the event that  
19 any of the sums described in paragraph (2) or (3)  
20 are not timely paid by the Coachella Valley Water  
21 District or the Imperial Irrigation District, as the  
22 case may be, the delinquent payor shall pay an addi-  
23 tional sum equal to 10 percent interest annually on  
24 the amount outstanding daily, compounded yearly on

1 December 31 of each respective year, until all out-  
2 standing amounts due have been paid in full.

3 (6) SEVERALLY LIABLE FOR PAYMENTS.—The  
4 Coachella Valley Water District, the Imperial Irriga-  
5 tion District, and the United States shall each be  
6 severally liable, but not jointly liable, for its respec-  
7 tive obligation to make the payments specified by  
8 this subsection.

9 (c) ADMINISTRATION OF SETTLEMENT TRUST  
10 FUNDS.—The Secretary shall administer and distribute  
11 funds held in the Torres-Martinez Settlement Trust  
12 Funds Account, the Torres-Martinez Allottees Settlement  
13 Account I, and the Torres-Martinez Allottees Settlement  
14 Account II in accordance with the terms and conditions  
15 of the Settlement Agreement.

16 **SEC. 606. TRUST LAND ACQUISITION AND STATUS.**

17 (a) ACQUISITION AND PLACEMENT OF LANDS INTO  
18 TRUST.—

19 (1) IN GENERAL.—The Secretary shall convey  
20 into trust status lands purchased or otherwise ac-  
21 quired by the Tribe within the areas described in  
22 paragraphs (2) and (3) in an amount not to exceed  
23 11,800 acres in accordance with the terms, condi-  
24 tions, criteria, and procedures set forth in the Settle-  
25 ment Agreement and this title. Subject to such

1 terms, conditions, criteria, and procedures, all lands  
2 purchased or otherwise acquired by the Tribe and  
3 conveyed into trust status for the benefit of the  
4 Tribe pursuant to the Settlement Agreement and  
5 this title shall be considered as if such lands were  
6 so acquired in trust status in 1909 except as (i) to  
7 water rights as provided in subsection (c), and (ii)  
8 to valid rights existing at the time of acquisition  
9 pursuant to this title.

10 (2) PRIMARY ACQUISITION AREA.—

11 (A) IN GENERAL.—The primary area with-  
12 in which lands may be acquired pursuant to  
13 paragraph (1) consists of the lands located in  
14 the Primary Acquisition Area, as defined in the  
15 Settlement Agreement. The amount of acreage  
16 that may be acquired from such area is 11,800  
17 acres less the number of acres acquired and  
18 conveyed into trust under paragraph (3).

19 (B) EFFECT OF OBJECTION.—Lands re-  
20 ferred to in subparagraph (A) may not be ac-  
21 quired pursuant to paragraph (1) if by majority  
22 vote the governing body of the city within whose  
23 incorporated boundaries (as such boundaries  
24 exist on the date of the Settlement Agreement)  
25 the subject lands are situated within formally

1 objects to the Tribe's request to convey the sub-  
2 ject lands into trust and notifies the Secretary  
3 of such objection in writing within 60 days of  
4 receiving a copy of the Tribe's request in ac-  
5 cordance with the Settlement Agreement. Upon  
6 receipt of such a notification, the Secretary  
7 shall deny the acquisition request.

8 (3) SECONDARY ACQUISITION AREA.—

9 (A) IN GENERAL.—Not more than 640  
10 acres of land may be acquired pursuant to  
11 paragraph (1) from those certain lands located  
12 in the Secondary Acquisition Area, as defined  
13 in the Settlement Agreement.

14 (B) EFFECT OF OBJECTION.—Lands re-  
15 ferred to in subparagraph (A) may not be ac-  
16 quired pursuant to paragraph (1) if by majority  
17 vote—

18 (i) the governing body of the city  
19 within whose incorporated boundaries (as  
20 such boundaries exist on the date of the  
21 Settlement Agreement) the subject lands  
22 are situated within; or

23 (ii) the governing body of Riverside  
24 County, California, in the event that such

1           lands are located within an unincorporated  
2           area,  
3           formally objects to the Tribe's request to convey  
4           the subject lands into trust and notifies the  
5           Secretary of such objection in writing within 60  
6           days of receiving a copy of the Tribe's request  
7           in accordance with the Settlement Agreement.  
8           Upon receipt of such a notification, the Sec-  
9           retary shall deny the acquisition request.

10          (4) CONTIGUOUS LANDS.—The Secretary shall  
11          not take any lands into trust for the Tribe under  
12          generally applicable Federal statutes or regulations  
13          where such lands are both—

14                (A) contiguous to any lands within the  
15                Secondary Acquisition Area that are taken into  
16                trust pursuant to the terms of the Settlement  
17                Agreement and this title; and

18                (B) situated outside the Secondary Acqui-  
19                sition Area.

20          (b) RESTRICTIONS ON GAMING.—The Tribe may con-  
21          duct gaming on only one site within the lands acquired  
22          pursuant to subsection 6(a)(1) as more particularly pro-  
23          vided in the Settlement Agreement.

24          (c) WATER RIGHTS.—All lands acquired by the Tribe  
25          under subsection (a) shall—



1           (1) be subject to all valid water rights existing  
2           at the time of tribal acquisition, including (but not  
3           limited to) all rights under any permit or license  
4           issued under the laws of the State of California to  
5           commence an appropriation of water, to appropriate  
6           water, or to increase the amount of water appro-  
7           priated;

8           (2) be subject to the paramount rights of any  
9           person who at any time recharges or stores water in  
10          a ground water basin to recapture or recover the re-  
11          charged or stored water or to authorize others to re-  
12          capture or recover the recharged or stored water;  
13          and

14          (3) continue to enjoy all valid water rights ap-  
15          purtenant to the land existing immediately prior to  
16          the time of tribal acquisition.

17 **SEC. 607. PERMANENT FLOWAGE EASEMENTS.**

18          (a) CONVEYANCE OF EASEMENT TO COACHELLA  
19 VALLEY WATER DISTRICT.—

20           (1) TRIBAL INTEREST.—The United States, in  
21          its capacity as trustee for the Tribe, as well as for  
22          any affected Indian allotment owners, and their suc-  
23          cessors and assigns, and the Tribe in its own right  
24          and that of its successors and assigns, shall convey  
25          to the Coachella Valley Water District a permanent

1 flowage easement as to all Indian trust lands (ap-  
2 proximately 11,800 acres) located within and below  
3 the minus 220-foot contour of the Salton Sink, in  
4 accordance with the terms and conditions of the Set-  
5 tlement Agreement.

6 (2) UNITED STATES INTEREST.—The United  
7 States, in its own right shall, notwithstanding any  
8 prior or present reservation or withdrawal of land of  
9 any kind, convey to the Coachella Valley Water Dis-  
10 trict a permanent flowage easement as to all Federal  
11 lands (approximately 110,000 acres) located within  
12 and below the minus 220-foot contour of the Salton  
13 Sink, in accordance with the terms and conditions of  
14 the Settlement Agreement.

15 (b) CONVEYANCE OF EASEMENT TO IMPERIAL IRRI-  
16 GATION DISTRICT.—

17 (1) TRIBAL INTEREST.—The United States, in  
18 its capacity as trustee for the Tribe, as well as for  
19 any affected Indian allotment owners, and their suc-  
20 cessors and assigns, and the Tribe in its own right  
21 and that of its successors and assigns, shall grant  
22 and convey to the Imperial Irrigation District a per-  
23 manent flowage easement as to all Indian trust  
24 lands (approximately 11,800 acres) located within  
25 and below the minus 220-foot contour of the Salton

1 Sink, in accordance with the terms and conditions of  
2 the Settlement Agreement.

3 (2) UNITED STATES.—The United States, in its  
4 own right shall, notwithstanding any prior or  
5 present reservation or withdrawal of land of any  
6 kind, grant and convey to the Imperial Irrigation  
7 District a permanent flowage easement as to all  
8 Federal lands (approximately 110,000 acres) located  
9 within and below the minus 220-foot contour of the  
10 Salton Sink, in accordance with the terms and con-  
11 ditions of the Settlement Agreement.

12 **SEC. 608. SATISFACTION OF CLAIMS, WAIVERS, AND RE-**  
13 **LEASES.**

14 (a) SATISFACTION OF CLAIMS.—The benefits avail-  
15 able to the Tribe and the allottees under the terms and  
16 conditions of the Settlement Agreement and the provisions  
17 of this title shall constitute full and complete satisfaction  
18 of the claims by the Tribe and the allottees arising from  
19 or related to the inundation and lack of drainage of tribal  
20 and allottee lands described in section 602 of this title and  
21 further defined in the Settlement Agreement.

22 (b) APPROVAL OF WAIVERS AND RELEASES.—The  
23 United States hereby approves and confirms the releases  
24 and waivers required by the Settlement Agreement and  
25 this title.

1 **SEC. 609. MISCELLANEOUS PROVISIONS.**

2 (a) ELIGIBILITY FOR BENEFITS.—Nothing in this  
3 title or the Settlement Agreement shall affect the eligi-  
4 bility of the Tribe or its members for any Federal program  
5 or diminish the trust responsibility of the United States  
6 to the Tribe and its members.

7 (b) ELIGIBILITY FOR OTHER SERVICES NOT AF-  
8 FECTED.—No payment pursuant to this title shall result  
9 in the reduction or denial of any Federal services or pro-  
10 grams to the Tribe or to members of the Tribe, to which  
11 they are entitled or eligible because of their status as a  
12 federally recognized Indian tribe or member of the Tribe.

13 (c) PRESERVATION OF EXISTING RIGHTS.—Except  
14 as provided in this title or the Settlement Agreement, any  
15 right to which the Tribe is entitled under existing law shall  
16 not be affected or diminished.

17 (d) AMENDMENT OF SETTLEMENT AGREEMENT.—  
18 The Settlement Agreement may be amended from time to  
19 time in accordance with its terms and conditions to the  
20 extent that such amendments are not inconsistent with the  
21 trust land acquisition provisions of the Settlement Agree-  
22 ment, as such provisions existed on—

23 (1) the date of the enactment of this Act, in the  
24 case of Modifications One and Three; and

25 (2) September 14, 2000, in the case of Modi-  
26 fication Four.

1 **SEC. 610. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums  
3 as are necessary to carry out this title.

4 **SEC. 611. EFFECTIVE DATE.**

5       (a) IN GENERAL.—Except as provided by subsection  
6 (b), this title shall take effect on the date of the enactment  
7 of this Act.

8       (b) EXCEPTION.—Sections 4, 5, 6, 7, and 8 shall take  
9 effect on the date on which the Secretary determines the  
10 following conditions have been met:

11           (1) The Tribe agrees to the Settlement Agree-  
12 ment and the provisions of this title and executes  
13 the releases and waivers required by the Settlement  
14 Agreement and this title.

15           (2) The Coachella Valley Water District agrees  
16 to the Settlement Agreement and to the provisions  
17 of this title.

18           (3) The Imperial Irrigation District agrees to  
19 the Settlement Agreement and to the provisions of  
20 this title.

21 **TITLE VII—SHAWNEE TRIBE**  
22 **STATUS**

23 **SEC. 701. SHORT TITLE.**

24       This title may be cited as the “Shawnee Tribe Status  
25 Act of 2000”.

1 **SEC. 702. FINDINGS.**

2 Congress finds the following:

3 (1) The Cherokee Shawnees, also known as the  
4 Loyal Shawnees, are recognized as the descendants  
5 of the Shawnee Tribe which was incorporated into  
6 the Cherokee Nation of Indians of Oklahoma pursu-  
7 ant to an agreement entered into by and between the  
8 Shawnee Tribe and the Cherokee Nation on June 7,  
9 1869, and approved by the President on June 9,  
10 1869, in accordance with Article XV of the July 19,  
11 1866, Treaty between the United States and the  
12 Cherokee Nation (14 Stat. 799).

13 (2) The Shawnee Tribe from and after its in-  
14 corporation and its merger with the Cherokee Na-  
15 tion has continued to maintain the Shawnee Tribe's  
16 separate culture, language, religion, and organiza-  
17 tion, and a separate membership roll.

18 (3) The Shawnee Tribe and the Cherokee Na-  
19 tion have concluded that it is in the best interests  
20 of the Shawnee Tribe and the Cherokee Nation that  
21 the Shawnee Tribe be restored to its position as a  
22 separate federally recognized Indian tribe and all  
23 current and historical responsibilities, jurisdiction,  
24 and sovereignty as it relates to the Shawnee Tribe,  
25 the Cherokee-Shawnee people, and their properties  
26 everywhere, provided that civil and criminal jurisdic-

1       tion over Shawnee individually owned restricted and  
2       trust lands, Shawnee tribal trust lands, dependent  
3       Indian communities, and all other forms of Indian  
4       country within the jurisdictional territory of the  
5       Cherokee Nation and located within the State of  
6       Oklahoma shall remain with the Cherokee Nation,  
7       unless consent is obtained by the Shawnee Tribe  
8       from the Cherokee Nation to assume all or any por-  
9       tion of such jurisdiction.

10           (4) On August 12, 1996, the Tribal Council of  
11       the Cherokee Nation unanimously adopted Resolu-  
12       tion 96–09 supporting the termination by the Sec-  
13       retary of the Interior of the 1869 Agreement.

14           (5) On July 23, 1996, the Shawnee Tribal  
15       Business Committee concurred in such resolution.

16           (6) On March 13, 2000, a second resolution  
17       was adopted by the Tribal Council of the Cherokee  
18       Nation (Resolution 15–00) supporting the submis-  
19       sion of this legislation to Congress for enactment.

20       **SEC. 703. DEFINITIONS.**

21       In this title:

22           (1) CHEROKEE NATION.—The term “Cherokee  
23       Nation” means the Cherokee Nation, with its head-  
24       quarters located in Tahlequah, Oklahoma.

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3           (3) TRIBE.—The term “Tribe” means the  
4           Shawnee Tribe, known also as the “Loyal Shawnee”  
5           or “Cherokee Shawnee”, which was a party to the  
6           1869 Agreement between the Cherokee Nation and  
7           the Shawnee Tribe of Indians.

8           (4) TRUST LAND.—The term “trust land”  
9           means land, the title to which is held by the United  
10          States in trust for the benefit of an Indian tribe or  
11          individual.

12          (5) RESTRICTED LAND.—The term “restricted  
13          land” means any land, the title to which is held in  
14          the name of an Indian or Indian tribe subject to re-  
15          strictions by the United States against alienation.

16 **SEC. 704. FEDERAL RECOGNITION, TRUST RELATIONSHIP,**  
17 **AND PROGRAM ELIGIBILITY.**

18          (a) FEDERAL RECOGNITION.—The Federal recogni-  
19          tion of the Tribe and the trust relationship between the  
20          United States and the Tribe are hereby reaffirmed. Except  
21          as otherwise provided in this title, the Act of June 26,  
22          1936 (49 Stat. 1967; 25 U.S.C. 501 et seq.) (commonly  
23          known as the “Oklahoma Indian Welfare Act”), and all  
24          laws and rules of law of the United States of general appli-  
25          cation to Indians, Indian tribes, or Indian reservations



1 which are not inconsistent with this title shall apply to  
2 the Tribe, and to its members and lands. The Tribe is  
3 hereby recognized as an independent tribal entity, sepa-  
4 rate from the Cherokee Nation or any other Indian tribe.

5 (b) PROGRAM ELIGIBILITY.—

6 (1) IN GENERAL.—Subject to the provisions of  
7 this subsection, the Tribe and its members are eligi-  
8 ble for all special programs and services provided by  
9 the United States to Indians because of their status  
10 as Indians.

11 (2) CONTINUATION OF BENEFITS.—Except as  
12 provided in paragraph (3), the members of the Tribe  
13 who are residing on land recognized by the Secretary  
14 to be within the Cherokee Nation and eligible for  
15 Federal program services or benefits through the  
16 Cherokee Nation shall receive such services or bene-  
17 fits through the Cherokee Nation.

18 (3) ADMINISTRATION BY TRIBE.—The Tribe  
19 shall be eligible to apply for and administer the spe-  
20 cial programs and services provided by the United  
21 States to Indians because of their status as Indians,  
22 including such programs and services within land  
23 recognized by the Secretary to be within the Cher-  
24 okee Nation, in accordance with applicable laws and  
25 regulations to the same extent that the Cherokee

1 Nation is eligible to apply for and administer pro-  
2 grams and services, but only—

3 (A) if the Cherokee Nation consents to the  
4 operation by the Tribe of federally funded pro-  
5 grams and services;

6 (B) if the benefits of such programs or  
7 services are to be provided to members of the  
8 Tribe in areas recognized by the Secretary to be  
9 under the jurisdiction of the Tribe and outside  
10 of land recognized by the Secretary to be within  
11 the Cherokee Nation, so long as those members  
12 are not receiving such programs or services  
13 from another Indian tribe; or

14 (C) if under applicable provisions of Fed-  
15 eral law, the Cherokee Nation is not eligible to  
16 apply for and administer such programs or  
17 services.

18 (4) DUPLICATION OF SERVICES NOT AL-  
19 LOWED.—The Tribe shall not be eligible to apply for  
20 or administer any Federal programs or services on  
21 behalf of Indians recipients if such recipients are re-  
22 ceiving or are eligible to receive the same federally  
23 funded programs or services from the Cherokee Na-  
24 tion.

1           (5) COOPERATIVE AGREEMENTS.—Nothing in  
2           this section shall restrict the Tribe and the Cherokee  
3           Nation from entering into cooperative agreements to  
4           provide such programs or services and such funding  
5           agreements shall be honored by Federal agencies,  
6           unless otherwise prohibited by law.

7   **SEC. 705. ESTABLISHMENT OF A TRIBAL ROLL.**

8           (a) APPROVAL OF BASE ROLL.—Not later than 180  
9           days after the date of enactment of this Act, the Tribe  
10          shall submit to the Secretary for approval its base mem-  
11          bership roll, which shall include only individuals who are  
12          not members of any other federally recognized Indian tribe  
13          or who have relinquished membership in such tribe and  
14          are eligible for membership under subsection (b).

15          (b) BASE ROLL ELIGIBILITY.—An individual is eligi-  
16          ble for enrollment on the base membership roll of the  
17          Tribe if that individual—

18                (1) is on, or eligible to be on, the membership  
19                roll of Cherokee Shawnees maintained by the Tribe  
20                prior to the date of enactment of this Act which is  
21                separate from the membership roll of the Cherokee  
22                Nation; or

23                (2) is a lineal descendant of any person—

24                        (A) who was issued a restricted fee patent  
25                        to land pursuant to Article 2 of the Treaty of

1 May 10, 1854, between the United States and  
2 the Tribe (10 Stat. 1053); or

3 (B) whose name was included on the 1871  
4 Register of names of those members of the  
5 Tribe who moved to, and located in, the Cher-  
6 okee Nation in Indian Territory pursuant to the  
7 Agreement entered into by and between the  
8 Tribe and the Cherokee Nation on June 7,  
9 1869.

10 (c) FUTURE MEMBERSHIP.—Future membership in  
11 the Tribe shall be as determined under the eligibility re-  
12 quirements set out in subsection (b)(2) or under such fu-  
13 ture membership ordinance as the Tribe may adopt.

14 **SEC. 706. ORGANIZATION OF THE TRIBE; TRIBAL CON-**  
15 **STITUTION.**

16 (a) EXISTING CONSTITUTION AND GOVERNING  
17 BODY.—The existing constitution and bylaws of the Cher-  
18 okee Shawnee and the officers and members of the Shaw-  
19 nee Tribal Business Committee, as constituted on the date  
20 of enactment of this Act, are hereby recognized respec-  
21 tively as the governing documents and governing body of  
22 the Tribe.

23 (b) CONSTITUTION.—Notwithstanding subsection  
24 (a), the Tribe shall have a right to reorganize its tribal

1 government pursuant to section 3 of the Act of June 26,  
2 1936 (49 Stat. 1967; 25 U.S.C. 503).

3 **SEC. 707. TRIBAL LAND.**

4 (a) LAND ACQUISITION.—

5 (1) IN GENERAL.—The Tribe shall be eligible to  
6 have land acquired in trust for its benefit pursuant  
7 to section 5 of the Act of June 18, 1934 (48 Stat.  
8 985; 25 U.S.C. 465) and section 1 of the Act of  
9 June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501).

10 (2) CERTAIN LAND IN OKLAHOMA.—Notwith-  
11 standing any other provision of law but subject to  
12 subsection (b), if the Tribe transfers any land within  
13 the boundaries of the State of Oklahoma to the Sec-  
14 retary, the Secretary shall take such land into trust  
15 for the benefit of the Tribe.

16 (b) RESTRICTION.—No land recognized by the Sec-  
17 retary to be within the Cherokee Nation or any other In-  
18 dian tribe may be taken into trust for the benefit of the  
19 Tribe under this section without the consent of the Cher-  
20 okee Nation or such other tribe, respectively.

21 **SEC. 708. JURISDICTION.**

22 (a) IN GENERAL.—The Tribe shall have jurisdiction  
23 over trust land and restricted land of the Tribe and its  
24 members to the same extent that the Cherokee Nation has  
25 jurisdiction over land recognized by the Secretary to be

1 within the Cherokee Nation and its members, but only if  
2 such land—

3 (1) is not recognized by the Secretary to be  
4 within the jurisdiction of another federally recog-  
5 nized tribe; or

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

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

18 **SEC. 709. INDIVIDUAL INDIAN LAND.**

19 Nothing in this title shall be construed to affect the  
20 restrictions against alienation of any individual Indian's  
21 land and those restrictions shall continue in force and ef-  
22 fect.

23 **SEC. 710. TREATIES NOT AFFECTED.**

24 No provision of this title shall be construed to con-  
25 stitute an amendment, modification, or interpretation of

1 any treaty to which a tribe referred to in this title is a  
2 party nor to any right secured to such a tribe or to any  
3 other tribe by any treaty.

## 4 **TITLE VIII—TECHNICAL** 5 **CORRECTIONS**

### 6 **SEC. 801. SHORT TITLE.**

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

## 9 **Subtitle A—Miscellaneous** 10 **Technical Provisions**

### 11 **SEC. 811. TECHNICAL CORRECTION TO AN ACT AFFECTING** 12 **THE STATUS OF MISSISSIPPI CHOCTAW** 13 **LANDS AND ADDING SUCH LANDS TO THE** 14 **CHOCTAW RESERVATION.**

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

### 21 **SEC. 812. TECHNICAL CORRECTIONS CONCERNING THE** 22 **FIVE CIVILIZED TRIBES OF OKLAHOMA.**

23 (a) INDIAN SELF-DETERMINATION ACT.—Section  
24 1(b)(15)(A) of the model agreement set forth in section

1 108(c) of the Indian Self-Determination Act (25 U.S.C.  
2 450l(c)) is amended—

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

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

7 (b) INDIAN SELF-DETERMINATION AND EDUCATION  
8 ASSISTANCE ACT.—Section 403(h)(2) of the Indian Self-  
9 Determination and Education Assistance Act (25 U.S.C.  
10 458cc(h)(2)) is amended—

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

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

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

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

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



1 **SEC. 813. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE**  
2 **LOANS TO THE RED LAKE BAND OF CHIP-**  
3 **PEWA INDIANS AND THE MINNESOTA CHIP-**  
4 **PEWA TRIBES.**

5 (a) RED LAKE BAND OF CHIPPEWA INDIANS.—Not-  
6 withstanding any other provision of law, the balances of  
7 all expert assistance loans made to the Red Lake Band  
8 of Chippewa Indians under the authority of Public Law  
9 88–168 (77 Stat. 301), and relating to Red Lake Band  
10 v. United States (United States Court of Federal Claims  
11 Docket Nos. 189 A, B, C), are canceled and the Secretary  
12 of the Interior shall take such action as may be necessary  
13 to document such cancellation and to release the Red Lake  
14 Band of Chippewa Indians from any liability associated  
15 with such loans.

16 (b) MINNESOTA CHIPPEWA TRIBE.—Notwith-  
17 standing any other provision of law, the balances of all  
18 expert assistance loans made to the Minnesota Chippewa  
19 Tribe under the authority of Public Law 88–168 (77 Stat.  
20 301), and relating to Minnesota Chippewa Tribe v. United  
21 States (United States Court of Federal Claims Docket  
22 Nos. 19 and 188), are canceled and the Secretary of the  
23 Interior shall take such action as may be necessary to doc-  
24 ument such cancellation and to release the Minnesota  
25 Chippewa Tribe from any liability associated with such  
26 loans.

1 **SEC. 814. TECHNICAL AMENDMENT TO THE INDIAN CHILD**  
2 **PROTECTION AND FAMILY VIOLENCE PRO-**  
3 **TECTION ACT.**

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

7 (1) by striking “any offense” and inserting  
8 “any felonious offense, or any of 2 of more mis-  
9 demeanor offenses,”; and

10 (2) by striking “or crimes against persons” and  
11 inserting “crimes against persons; or offenses com-  
12 mitted against children”.

13 **SEC. 815. TECHNICAL AMENDMENT TO EXTEND THE AU-**  
14 **THORIZATION PERIOD UNDER THE INDIAN**  
15 **HEALTH CARE IMPROVEMENT ACT.**

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

20 **SEC. 816. TECHNICAL AMENDMENT TO EXTEND THE AU-**  
21 **THORIZATION PERIOD UNDER THE INDIAN**  
22 **ALCOHOL AND SUBSTANCE ABUSE PREVEN-**  
23 **TION AND TREATMENT ACT OF 1986.**

24 The authorization of appropriations for, and the du-  
25 ration of, each program or activity under the Indian Alco-  
26 hol and Substance Abuse Prevention and Treatment Act

1 of 1986 (25 U.S.C. 2401 et seq.) is extended through fis-  
2 cal year 2001.

3 **SEC. 817. MORRIS K. UDALL SCHOLARSHIP AND EXCEL-**  
4 **LENCE IN NATIONAL ENVIRONMENTAL POL-**  
5 **ICY FOUNDATION.**

6 (a) **AUTHORITY.**—Section 6(7) of the Morris K.  
7 Udall Scholarship and Excellence in National Environ-  
8 mental and Native American Public Policy Act of 1992  
9 (20 U.S.C. 5604(7)) is amended by inserting before the  
10 semicolon at the end the following: “, by conducting man-  
11 agement and leadership training of Native Americans,  
12 Alaska Natives, and others involved in tribal leadership,  
13 providing assistance and resources for policy analysis, and  
14 carrying out other appropriate activities.”.

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

21 (c) **AUTHORIZATION OF APPROPRIATIONS.**—Section  
22 13 of the Morris K. Udall Scholarship and Excellence in  
23 National Environmental and Native American Public Pol-  
24 icy Act of 1992 (20 U.S.C. 5609) is amended by adding  
25 at the end the following:

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

6 **SEC. 818. TECHNICAL AMENDMENT REGARDING THE**  
7 **TREATMENT OF CERTAIN INCOME FOR PUR-**  
8 **POSES OF FEDERAL ASSISTANCE.**

9       Section 7 of the Act of October 19, 1973 (25 U.S.C.  
10 1407) is amended—

11           (1) in paragraph (2), by striking “or” at the  
12 end;

13           (2) in paragraph (3), by adding “or” at the  
14 end; and

15           (3) by inserting after paragraph (3), the fol-  
16 lowing:

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

1 **SEC. 819. LAND TO BE TAKEN INTO TRUST.**

2       Notwithstanding any other provision of law, the Sec-  
 3 retary of the Interior shall accept for the benefit of the  
 4 Lytton Rancheria of California the land described in that  
 5 certain grant deed dated and recorded on October 16,  
 6 2000, in the official records of the County of Contra  
 7 Costa, California, Deed Instrument Number 2000–  
 8 229754. The Secretary shall declare that such land is held  
 9 in trust by the United States for the benefit of the  
 10 Rancheria and that such land is part of the reservation  
 11 of such Rancheria under sections 5 and 7 of the Act of  
 12 June 18, 1934 (48 Stat. 985; 25 U.S.C. 467). Such land  
 13 shall be deemed to have been held in trust and part of  
 14 the reservation of the Rancheria prior to October 17,  
 15 1988.

16 **Subtitle B—Santa Fe Indian School**

17 **SEC. 821. SHORT TITLE.**

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

20 **SEC. 822. DEFINITIONS.**

21       In this subtitle:

22           (1) 19 PUEBLOS.—The term “19 Pueblos”  
 23 means the Indian pueblos of Acoma, Cochiti Isleta,  
 24 Jemen, Laguna, Nambe, Picuris, Pojoaque, San  
 25 Felipe, San Ildefonso, San Juan, Sandia, Santa

1 Ana, Santa Clara, Santo Domingo, Taos, Tesuque,  
2 Zia, and Zuni.

3 (2) SANTA FE INDIAN SCHOOL, INC.—The  
4 term “Santa Fe Indian School, Inc.” means a cor-  
5 poration chartered under laws of the State of New  
6 Mexico.

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

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

11 (a) IN GENERAL.—All right, title, and interest of the  
12 United States in and to the land, including improvements  
13 and appurtenances thereto, described in subsection (b) are  
14 declared to be held in trust for the benefit of the 19 Pueb-  
15 los of New Mexico.

16 (b) LAND.—

17 (1) IN GENERAL.—The land described in this  
18 subsection is the tract of land, located in the city  
19 and county of Santa Fe, New Mexico, upon which  
20 the Santa Fe Indian School is located and more par-  
21 ticularly described as all that certain real property,  
22 excluding the tracts described in paragraph (2), as  
23 shown in the United States General Land Office Plat  
24 of the United States Indian School Tract dated  
25 March 19, 1937, and recorded at Book 363, Page

1       024, Office of the Clerk, Santa Fe County, New  
2       Mexico, containing a total acreage of 131.43 acres,  
3       more or less.

4           (2) EXCLUSIONS.—The excluded tracts de-  
5       scribed in this paragraph are all portions of any  
6       tracts heretofore conveyed by the deeds recorded in  
7       the Office of the Clerk, Santa Fe County, New Mex-  
8       ico, at—

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

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

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

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

17       leaving, as the net acreage to be included in the land  
18       described in paragraph (1) and taken into trust pur-  
19       suant to subsection (a), a tract containing 115.5  
20       acres, more or less.

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

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

1           (2) the right of the Indian Health Service to  
2       continue use and occupancy of 10.23 acres of such  
3       land which are currently occupied by the Santa Fe  
4       Indian Hospital and its parking facilities as more  
5       fully described as Parcel “A” in legal description  
6       No. Pd-K-51-06-01 and recorded as Document No.  
7       059-3-778, Bureau of Indian Affairs Land Title &  
8       Records Office, Albuquerque, New Mexico; and

9           (3) the right of the United States to use, with-  
10      out cost, additional portions of land transferred pur-  
11      suant to this section, which are contiguous to the  
12      land described in paragraph (2), for purposes of the  
13      Indian Health Service.

14   **SEC. 824. LAND USE.**

15       (a) LIMITATION FOR EDUCATIONAL AND CULTURAL  
16   PURPOSES.—The land taken into trust under section  
17   823(a) shall be used solely for the educational, health, or  
18   cultural purposes of the Santa Fe Indian School, including  
19   use for related non-profit or technical programs, as oper-  
20   ated by Santa Fe Indian School, Inc. on the date of enact-  
21   ment of this Act.

22       (b) REVERSION.—

23           (1) IN GENERAL.—If the Secretary determines  
24       that the land taken into trust under section 823(a)  
25       is not being used as required under subsection (a),



1 the Secretary shall provide appropriate notice to the  
2 19 Pueblos of such noncompliance and require the  
3 19 Pueblos to comply with the requirements of this  
4 subtitle.

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

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

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

## 19 **TITLE IX—CALIFORNIA INDIAN** 20 **LAND TRANSFER**

### 21 **SEC. 901. SHORT TITLE.**

22 This title may be cited as the “California Indian  
23 Land Transfer Act”.

1   **SEC. 902. LANDS HELD IN TRUST FOR VARIOUS TRIBES OF**  
2                   **CALIFORNIA INDIANS.**

3           (a) IN GENERAL.—Subject to valid existing rights,  
4 all right, title, and interest of the United States in and  
5 to the lands, including improvements and appurtenances,  
6 described in a paragraph of subsection (b) in connection  
7 with the respective tribe, band, or group of Indians named  
8 in such paragraph are hereby declared to be held in trust  
9 by the United States for the benefit of such tribe, band,  
10 or group. Real property taken into trust pursuant to this  
11 subsection shall not be considered to have been taken into  
12 trust for gaming (as that term is used in the Indian Gam-  
13 ing Regulatory Act (25 U.S.C. 2701 et seq.)).

14           (b) LANDS DESCRIBED.—The lands described in this  
15 subsection, comprising approximately 3,525.8 acres, and  
16 the respective tribe, band, or group, are as follows:

17                   (1) PIT RIVER TRIBE.—Lands to be held in  
18 trust for the Pit River Tribe are comprised of ap-  
19 proximately 561.69 acres described as follows:

20                               Mount Diablo Base and Meridian

21                               Township 42 North, Range 13 East

22                               Section 3:

23                               S<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 120 acres.

24                               Township 43 North, Range 13 East

25                               Section 1:

26                               N<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub>, 80 acres,

1 Section 22:

2 SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, 40 acres,

3 Section 25:

4 SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 40 acres,

5 Section 26:

6 SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, 40 acres,

7 Section 27:

8 SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 40 acres,

9 Section 28:

10 NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, 40 acres,

11 Section 32:

12 SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, 40 acres,

13 Section 34:

14 SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 40 acres,

15 Township 44 North, Range 14 East,

16 Section 31:

17 S<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>, 80 acres.

18 (2) FORT INDEPENDENCE COMMUNITY OF PAI-

19 UTE INDIANS.—Lands to be held in trust for the

20 Fort Independence Community of Paiute Indians are

21 comprised of approximately 200.06 acres described

22 as follows:

23 Mount Diablo Base and Meridian

24 Township 13 South, Range 34 East

25 Section 1:

1           W<sup>1</sup>/<sub>2</sub> of Lot 5 in the NE<sup>1</sup>/<sub>4</sub>, Lot 3, E<sup>1</sup>/<sub>2</sub> of Lot  
2           4, and E<sup>1</sup>/<sub>2</sub> of Lot 5 in the NW<sup>1</sup>/<sub>4</sub>.

3           (3) BARONA GROUP OF CAPITAN GRANDE BAND  
4           OF MISSION INDIANS.—Lands to be held in trust for  
5           the Barona Group of Capitan Grande Band of Mis-  
6           sion Indians are comprised of approximately 5.03  
7           acres described as follows:

8                       San Bernardino Base and Meridian  
9                       Township 14 South, Range 2 East  
10           Section 7, Lot 15.

11           (4) CUYAPAIPE BAND OF MISSION INDIANS.—  
12           Lands to be held in trust for the Cuyapaipe Band  
13           of Mission Indians are comprised of approximately  
14           1,360 acres described as follows:

15                       San Bernardino Base and Meridian  
16                       Township 15 South, Range 6 East  
17           Section 21:

18           All of this section.

19           Section 31:

20           NE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>.

21           Section 32:

22           W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>.

23           Section 33:

24           SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>.

1           (5) MANZANITA BAND OF MISSION INDIANS.—

2           Lands to be held in trust for the Manzanita Band  
3           of Mission Indians are comprised of approximately  
4           1,000.78 acres described as follows:

5                       San Bernardino Base and Meridian

6                       Township 16 South, Range 6 East

7           Section 21:

8                       Lots 1, 2, 3, and 4, S<sup>1</sup>/<sub>2</sub>.

9           Section 25:

10                      Lots 2 and 5.

11           Section 28:

12                      Lots, 1, 2, 3, and 4, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>.

13           (6) MORONGO BAND OF MISSION INDIANS.—

14           Lands to be held in trust for the Morongo Band of  
15           Mission Indians are comprised of approximately 40  
16           acres described as follows:

17                      San Bernardino Base and Meridian

18                      Township 3 South, Range 2 East

19           Section 20:

20                      NW<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub>.

21           (7) PALA BAND OF MISSION INDIANS.—Lands

22           to be held in trust for the Pala Band of Mission In-  
23           dians are comprised of approximately 59.20 acres  
24           described as follows:

25                      San Bernardino Base and Meridian

1 Township 9 South, Range 2 West

2 Section 13, Lot 1, and Section 14, Lots 1, 2, 3.

3 (8) FORT BIDWELL COMMUNITY OF PAIUTE IN-  
 4 DIANS.—Lands to be held in trust for the Fort  
 5 Bidwell Community of Paiute Indians are comprised  
 6 of approximately 299.04 acres described as follows:

7 Mount Diablo Base and Meridian

8 Township 46 North, Range 16 East

9 Section 8:

10 SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>.

11 Section 19:

12 Lots 5, 6, 7.

13 S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>.

14 Section 20:

15 Lot 1.

16 **SEC. 903. MISCELLANEOUS PROVISIONS.**

17 (a) PROCEEDS FROM RENTS AND ROYALTIES  
 18 TRANSFERRED TO INDIANS.—Amounts which accrue to  
 19 the United States after the date of the enactment of this  
 20 Act from sales, bonuses, royalties, and rentals relating to  
 21 any land described in section 902 shall be available for  
 22 use or obligation, in such manner and for such purposes  
 23 as the Secretary may approve, by the tribe, band, or group  
 24 of Indians for whose benefit such land is taken into trust.

1 (b) NOTICE OF CANCELLATION OF GRAZING PREF-  
 2 ERENCES.—Grazing preferences on lands described in sec-  
 3 tion 902 shall terminate 2 years after the date of the en-  
 4 actment of this Act.

5 (c) LAWS GOVERNING LANDS TO BE HELD IN  
 6 TRUST.—

7 (1) IN GENERAL.—Any lands which are to be  
 8 held in trust for the benefit of any tribe, band, or  
 9 group of Indians pursuant to this Act shall be added  
 10 to the existing reservation of the tribe, band, or  
 11 group, and the official boundaries of the reservation  
 12 shall be modified accordingly.

13 (2) APPLICABILITY OF LAWS OF THE UNITED  
 14 STATES.—The lands referred to in paragraph (1)  
 15 shall be subject to the laws of the United States re-  
 16 lating to Indian land in the same manner and to the  
 17 same extent as other lands held in trust for such  
 18 tribe, band, or group on the day before the date of  
 19 enactment of this Act.

## 20 **TITLE X—NATIVE AMERICAN** 21 **HOMEOWNERSHIP**

### 22 **SEC. 1001. LANDS TITLE REPORT COMMISSION.**

23 (a) ESTABLISHMENT.—Subject to sums being pro-  
 24 vided in advance in appropriations Acts, there is estab-  
 25 lished a Commission to be known as the Lands Title Re-

1 port Commission (hereafter in this section referred to as  
2 the “Commission”) to facilitate home loan mortgages on  
3 Indian trust lands. The Commission will be subject to  
4 oversight by the Committee on Banking and Financial  
5 Services of the House of Representatives and the Com-  
6 mittee on Banking, Housing, and Urban Affairs of the  
7 Senate.

8 (b) MEMBERSHIP.—

9 (1) APPOINTMENT.—The Commission shall be  
10 composed of 12 members, appointed not later than  
11 90 days after the date of the enactment of this Act  
12 as follows:

13 (A) Four members shall be appointed by  
14 the President.

15 (B) Four members shall be appointed by  
16 the chairperson of the Committee on Banking  
17 and Financial Services of the House of Rep-  
18 resentatives.

19 (C) Four members shall be appointed by  
20 the chairperson of the Committee on Banking,  
21 Housing, and Urban Affairs of the Senate.

22 (2) QUALIFICATIONS.—

23 (A) MEMBERS OF TRIBES.—At all times,  
24 not less than 8 of the members of the Commis-



1           sion shall be members of federally recognized  
2           Indian tribes.

3                   (B) EXPERIENCE IN LAND TITLE MAT-  
4           TERS.—All members of the Commission shall  
5           have experience in and knowledge of land title  
6           matters relating to Indian trust lands.

7                   (3) CHAIRPERSON.—The Chairperson of the  
8           Commission shall be one of the members of the  
9           Commission appointed under paragraph (1)(C), as  
10          elected by the members of the Commission.

11                   (4) VACANCIES.—Any vacancy on the Commis-  
12          sion shall not affect its powers, but shall be filled in  
13          the manner in which the original appointment was  
14          made.

15                   (5) TRAVEL EXPENSES.—Members of the Com-  
16          mission shall serve without pay, but each member  
17          shall receive travel expenses, including per diem in  
18          lieu of subsistence, in accordance with sections 5702  
19          and 5703 of title 5, United States Code.

20                   (c) INITIAL MEETING.—The Chairperson of the Com-  
21          mission shall call the initial meeting of the Commission.  
22          Such meeting shall be held within 30 days after the Chair-  
23          person of the Commission determines that sums sufficient  
24          for the Commission to carry out its duties under this Act  
25          have been appropriated for such purpose.

1 (d) DUTIES.—The Commission shall analyze the sys-  
2 tem of the Bureau of Indian Affairs of the Department  
3 of the Interior for maintaining land ownership records and  
4 title documents and issuing certified title status reports  
5 relating to Indian trust lands and, pursuant to such anal-  
6 ysis, determine how best to improve or replace the  
7 system—

8 (1) to ensure prompt and accurate responses to  
9 requests for title status reports;

10 (2) to eliminate any backlog of requests for title  
11 status reports; and

12 (3) to ensure that the administration of the sys-  
13 tem will not in any way impair or restrict the ability  
14 of Native Americans to obtain conventional loans for  
15 purchase of residences located on Indian trust lands,  
16 including any actions necessary to ensure that the  
17 system will promptly be able to meet future demands  
18 for certified title status reports, taking into account  
19 the anticipated complexity and volume of such re-  
20 quests.

21 (e) REPORT.—Not later than the date of the termi-  
22 nation of the Commission under subsection (h), the Com-  
23 mission shall submit a report to the Committee on Bank-  
24 ing and Financial Services of the House of Representa-  
25 tives and the Committee on Banking, Housing, and Urban

1 Affairs of the Senate describing the analysis and deter-  
2 minations made pursuant to subsection (d).

3 (f) POWERS.—

4 (1) HEARINGS AND SESSIONS.—The Commis-  
5 sion may, for the purpose of carrying out this sec-  
6 tion, hold hearings, sit and act at times and places,  
7 take testimony, and receive evidence as the Commis-  
8 sion considers appropriate.

9 (2) STAFF OF FEDERAL AGENCIES.—Upon re-  
10 quest of the Commission, the head of any Federal  
11 department or agency may detail, on a reimbursable  
12 basis, any of the personnel of that department or  
13 agency to the Commission to assist it in carrying out  
14 its duties under this section.

15 (3) OBTAINING OFFICIAL DATA.—The Commis-  
16 sion may secure directly from any department or  
17 agency of the United States information necessary  
18 to enable it to carry out this section. Upon request  
19 of the Chairperson of the Commission, the head of  
20 that department or agency shall furnish that infor-  
21 mation to the Commission.

22 (4) MAILS.—The Commission may use the  
23 United States mails in the same manner and under  
24 the same conditions as other departments and agen-  
25 cies of the United States.

1           (5) ADMINISTRATIVE SUPPORT SERVICES.—

2           Upon the request of the Commission, the Adminis-  
3           trator of General Services shall provide to the Com-  
4           mission, on a reimbursable basis, the administrative  
5           support services necessary for the Commission to  
6           carry out its duties under this section.

7           (6) STAFF.—The Commission may appoint per-  
8           sonnel as it considers appropriate, subject to the  
9           provisions of title 5, United States Code, governing  
10          appointments in the competitive service, and shall  
11          pay such personnel in accordance with the provisions  
12          of chapter 51 and subchapter III of chapter 53 of  
13          that title relating to classification and General  
14          Schedule pay rates.

15          (g) AUTHORIZATION OF APPROPRIATIONS.—To carry  
16          out this section, there is authorized to be appropriated  
17          \$500,000. Such sums shall remain available until ex-  
18          pended.

19          (h) TERMINATION.—The Commission shall terminate  
20          1 year after the date of the initial meeting of the Commis-  
21          sion.

22   **SEC. 1002. LOAN GUARANTEES.**

23          Section 184(i) of the Housing and Community Devel-  
24          opment Act of 1992 (12 U.S.C. 1715z–13a(i)) is  
25          amended—

1 (1) in paragraph (5), by striking subparagraph  
2 (C) and inserting the following new subparagraph:

3 “(C) LIMITATION ON OUTSTANDING AG-  
4 GREGATE PRINCIPAL AMOUNT.—Subject to the  
5 limitations in subparagraphs (A) and (B), the  
6 Secretary may enter into commitments to guar-  
7 antee loans under this section in each fiscal  
8 year with an aggregate outstanding principal  
9 amount not exceeding such amount as may be  
10 provided in appropriation Acts for such fiscal  
11 year.”; and

12 (2) in paragraph (7), by striking “each of fiscal  
13 years 1997, 1998, 1999, 2000, and 2001” and in-  
14 serting “each fiscal year”.

15 **SEC. 1003. NATIVE AMERICAN HOUSING ASSISTANCE.**

16 (a) RESTRICTION ON WAIVER AUTHORITY.—

17 (1) IN GENERAL.—Section 101(b)(2) of the Na-  
18 tive American Housing Assistance and Self-Deter-  
19 mination Act of 1996 (25 U.S.C. 4111(b)(2)) is  
20 amended by striking “if the Secretary” and all that  
21 follows through the period at the end and inserting  
22 the following: “for a period of not more than 90  
23 days, if the Secretary determines that an Indian  
24 tribe has not complied with, or is unable to comply

1 with, those requirements due to exigent cir-  
2 cumstances beyond the control of the Indian tribe.”.

3 (2) LOCAL COOPERATION AGREEMENT.—Sec-  
4 tion 101(c) of the Native American Housing Assist-  
5 ance and Self-Determination Act of 1996 (25 U.S.C.  
6 4111(c)) is amended by adding at the end the fol-  
7 lowing: “The Secretary may waive the requirements  
8 of this subsection and subsection (d) if the recipient  
9 has made a good faith effort to fulfill the require-  
10 ments of this subsection and subsection (d) and  
11 agrees to make payments in lieu of taxes to the ap-  
12 propriate taxing authority in an amount consistent  
13 with the requirements of subsection (d)(2) until such  
14 time as the matter of making such payments has  
15 been resolved in accordance with subsection (d).”.

16 (b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-  
17 INCOME.—Section 102(c) of the Native American Housing  
18 Assistance and Self-Determination Act of 1996 (25 U.S.C.  
19 4112(c)) is amended by adding at the end the following:

20 “(6) CERTAIN FAMILIES.—With respect to as-  
21 sistance provided under section 201(b)(2) by a re-  
22 cipient to Indian families that are not low-income  
23 families, evidence that there is a need for housing  
24 for each such family during that period that cannot  
25 reasonably be met without such assistance.”.

1       (c) ELIMINATION OF WAIVER AUTHORITY FOR  
2 SMALL TRIBES.—Section 102 of the Native American  
3 Housing Assistance and Self-Determination Act of 1996  
4 (25 U.S.C. 4112) is amended—

5           (1) by striking subsection (f); and

6           (2) by redesignating subsection (g) as sub-  
7 section (f).

8       (d) ENVIRONMENTAL COMPLIANCE.—Section 105 of  
9 the Native American Housing Assistance and Self-Deter-  
10 mination Act of 1996 (25 U.S.C. 4115) is amended by  
11 adding at the end the following:

12       “(d) ENVIRONMENTAL COMPLIANCE.—The Secretary  
13 may waive the requirements under this section if the Sec-  
14 retary determines that a failure on the part of a recipient  
15 to comply with provisions of this section—

16           “(1) will not frustrate the goals of the National  
17 Environmental Policy Act of 1969 (42 U.S.C. 4331  
18 et seq.) or any other provision of law that furthers  
19 the goals of that Act;

20           “(2) does not threaten the health or safety of  
21 the community involved by posing an immediate or  
22 long-term hazard to residents of that community;

23           “(3) is a result of inadvertent error, including  
24 an incorrect or incomplete certification provided  
25 under subsection (c)(1); and

1           “(4) may be corrected through the sole action  
2           of the recipient.”.

3           (e) ELIGIBILITY OF LAW ENFORCEMENT OFFICERS  
4 FOR HOUSING ASSISTANCE.—Section 201(b) of the Na-  
5 tive American Housing Assistance and Self-Determination  
6 Act of 1996 (25 U.S.C. 4131(b)) is amended—

7           (1) in paragraph (1), by striking “paragraph  
8           (2)” and inserting “paragraphs (2) and (4)”;

9           (2) by redesignating paragraphs (4) and (5) as  
10 paragraphs (5) and (6), respectively; and

11           (3) by inserting after paragraph (3) the fol-  
12 lowing new paragraph:

13           “(4) LAW ENFORCEMENT OFFICERS.—A recipi-  
14 ent may provide housing or housing assistance pro-  
15 vided through affordable housing activities assisted  
16 with grant amounts under this Act for a law en-  
17 forcement officer on an Indian reservation or other  
18 Indian area, if—

19           “(A) the officer—

20                   “(i) is employed on a full-time basis  
21 by the Federal Government or a State,  
22 county, or lawfully recognized tribal gov-  
23 ernment; and

24                   “(ii) in implementing such full-time  
25 employment, is sworn to uphold, and make



1                   arrests for, violations of Federal, State,  
2                   county, or tribal law; and

3                   “(B) the recipient determines that the  
4                   presence of the law enforcement officer on the  
5                   Indian reservation or other Indian area may  
6                   deter crime.”.

7           (f) OVERSIGHT.—

8                   (1) REPAYMENT.—Section 209 of the Native  
9                   American Housing Assistance and Self-Determina-  
10                  tion Act of 1996 (25 U.S.C. 4139) is amended to  
11                  read as follows:

12       **“SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING**  
13                   **REQUIREMENT.**

14                  “If a recipient uses grant amounts to provide afford-  
15                  able housing under this title, and at any time during the  
16                  useful life of the housing the recipient does not comply  
17                  with the requirement under section 205(a)(2), the Sec-  
18                  retary shall take appropriate action under section  
19                  401(a).”.

20                  (2) AUDITS AND REVIEWS.—Section 405 of the  
21                  Native American Housing Assistance and Self-De-  
22                  termination Act of 1996 (25 U.S.C. 4165) is amend-  
23                  ed to read as follows:

1   **“SEC. 405. REVIEW AND AUDIT BY SECRETARY.**

2           “(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE  
3   31, UNITED STATES CODE.—An entity designated by an  
4   Indian tribe as a housing entity shall be treated, for pur-  
5   poses of chapter 75 of title 31, United States Code, as  
6   a non-Federal entity that is subject to the audit require-  
7   ments that apply to non-Federal entities under that chap-  
8   ter.

9           “(b) ADDITIONAL REVIEWS AND AUDITS.—

10           “(1) IN GENERAL.—In addition to any audit or  
11   review under subsection (a), to the extent the Sec-  
12   retary determines such action to be appropriate, the  
13   Secretary may conduct an audit or review of a re-  
14   cipient in order to—

15           “(A) determine whether the recipient—

16           “(i) has carried out—

17           “(I) eligible activities in a timely  
18   manner; and

19           “(II) eligible activities and cer-  
20   tification in accordance with this Act  
21   and other applicable law;

22           “(ii) has a continuing capacity to  
23   carry out eligible activities in a timely  
24   manner; and

25           “(iii) is in compliance with the Indian  
26   housing plan of the recipient; and

1           “(B) verify the accuracy of information  
2           contained in any performance report submitted  
3           by the recipient under section 404.

4           “(2) ON-SITE VISITS.—To the extent prac-  
5           ticable, the reviews and audits conducted under this  
6           subsection shall include on-site visits by the appro-  
7           priate official of the Department of Housing and  
8           Urban Development.

9           “(c) REVIEW OF REPORTS.—

10           “(1) IN GENERAL.—The Secretary shall provide  
11           each recipient that is the subject of a report made  
12           by the Secretary under this section notice that the  
13           recipient may review and comment on the report  
14           during a period of not less than 30 days after the  
15           date on which notice is issued under this paragraph.

16           “(2) PUBLIC AVAILABILITY.—After taking into  
17           consideration any comments of the recipient under  
18           paragraph (1), the Secretary—

19           “(A) may revise the report; and

20           “(B) not later than 30 days after the date  
21           on which those comments are received, shall  
22           make the comments and the report (with any  
23           revisions made under subparagraph (A)) readily  
24           available to the public.

1       “(d) EFFECT OF REVIEWS.—Subject to section  
2 401(a), after reviewing the reports and audits relating to  
3 a recipient that are submitted to the Secretary under this  
4 section, the Secretary may adjust the amount of a grant  
5 made to a recipient under this Act in accordance with the  
6 findings of the Secretary with respect to those reports and  
7 audits.”.

8       (g) ALLOCATION FORMULA.—Section 302(d)(1) of  
9 the Native American Housing Assistance and Self-Deter-  
10 mination Act of 1996 (25 U.S.C. 4152(d)(1)) is  
11 amended—

12               (1) by striking “The formula,” and inserting  
13 the following:

14                       “(A) IN GENERAL.—Except with respect to  
15 an Indian tribe described in subparagraph (B),  
16 the formula”; and

17               (2) by adding at the end the following:

18                       “(B) CERTAIN INDIAN TRIBES.—With re-  
19 spect to fiscal year 2001 and each fiscal year  
20 thereafter, for any Indian tribe with an Indian  
21 housing authority that owns or operates fewer  
22 than 250 public housing units, the formula  
23 shall provide that if the amount provided for a  
24 fiscal year in which the total amount made  
25 available for assistance under this Act is equal

1 to or greater than the amount made available  
2 for fiscal year 1996 for assistance for the oper-  
3 ation and modernization of the public housing  
4 referred to in subparagraph (A), then the  
5 amount provided to that Indian tribe as mod-  
6 ernization assistance shall be equal to the aver-  
7 age annual amount of funds provided to the In-  
8 dian tribe (other than funds provided as emer-  
9 gency assistance) under the assistance program  
10 under section 14 of the United States Housing  
11 Act of 1937 (42 U.S.C. 1437l) for the period  
12 beginning with fiscal year 1992 and ending  
13 with fiscal year 1997.”.

14 (h) HEARING REQUIREMENT.—Section 401(a) of the  
15 Native American Housing Assistance and Self-Determina-  
16 tion Act of 1996 (25 U.S.C. 4161(a)) is amended—

17 (1) by redesignating paragraphs (1) through  
18 (4) as subparagraphs (A) through (D), respectively,  
19 and realigning such subparagraphs (as so redesign-  
20 ated) so as to be indented 4 ems from the left mar-  
21 gin;

22 (2) by striking “Except as provided” and in-  
23 serting the following:

24 “(1) IN GENERAL.—Except as provided”;

1           (3) by striking “If the Secretary takes an ac-  
2           tion under paragraph (1), (2), or (3)” and inserting  
3           the following:

4           “(2) CONTINUANCE OF ACTIONS.—If the Sec-  
5           retary takes an action under subparagraph (A), (B),  
6           or (C) of paragraph (1)”;

7           (4) by adding at the end the following:

8           “(3) EXCEPTION FOR CERTAIN ACTIONS.—

9           “(A) IN GENERAL.—Notwithstanding any  
10          other provision of this subsection, if the Sec-  
11          retary makes a determination that the failure of  
12          a recipient of assistance under this Act to com-  
13          ply substantially with any material provision (as  
14          that term is defined by the Secretary) of this  
15          Act is resulting, and would continue to result,  
16          in a continuing expenditure of Federal funds in  
17          a manner that is not authorized by law, the  
18          Secretary may take an action described in para-  
19          graph (1)(C) before conducting a hearing.

20          “(B) PROCEDURAL REQUIREMENT.—If the  
21          Secretary takes an action described in subpara-  
22          graph (A), the Secretary shall—

23                 “(i) provide notice to the recipient at  
24                 the time that the Secretary takes that ac-  
25                 tion; and

1                   “(ii) conduct a hearing not later than  
2                   60 days after the date on which the Sec-  
3                   retary provides notice under clause (i).

4                   “(C) DETERMINATION.—Upon completion  
5                   of a hearing under this paragraph, the Sec-  
6                   retary shall make a determination regarding  
7                   whether to continue taking the action that is  
8                   the subject of the hearing, or take another ac-  
9                   tion under this subsection.”.

10           (i) PERFORMANCE AGREEMENT TIME LIMIT.—Sec-  
11   tion 401(b) of the Native American Housing Assistance  
12   and Self-Determination Act of 1996 (25 U.S.C. 4161(b))  
13   is amended—

14                   (1) by striking “If the Secretary” and inserting  
15                   the following:

16                   “(1) IN GENERAL.—If the Secretary”;

17                   (2) by striking “(1) is not” and inserting the  
18                   following:

19                   “(A) is not”;

20                   (3) by striking “(2) is a result” and inserting  
21                   the following:

22                   “(B) is a result”;

23                   (4) in the flush material following paragraph  
24                   (1)(B), as redesignated by paragraph (3) of this  
25                   subsection—

1 (A) by realigning such material so as to be  
2 indented 2 ems from the left margin; and

3 (B) by inserting before the period at the  
4 end the following: “, if the recipient enters into  
5 a performance agreement with the Secretary  
6 that specifies the compliance objectives that the  
7 recipient will be required to achieve by the ter-  
8 mination date of the performance agreement”;  
9 and

10 (5) by adding at the end the following:

11 “(2) PERFORMANCE AGREEMENT.—The period  
12 of a performance agreement described in paragraph  
13 (1) shall be for 1 year.

14 “(3) REVIEW.—Upon the termination of a per-  
15 formance agreement entered into under paragraph  
16 (1), the Secretary shall review the performance of  
17 the recipient that is a party to the agreement.

18 “(4) EFFECT OF REVIEW.—If, on the basis of  
19 a review under paragraph (3), the Secretary deter-  
20 mines that the recipient—

21 “(A) has made a good faith effort to meet  
22 the compliance objectives specified in the agree-  
23 ment, the Secretary may enter into an addi-  
24 tional performance agreement for the period  
25 specified in paragraph (2); and



1           “(B) has failed to make a good faith effort  
2           to meet applicable compliance objectives, the  
3           Secretary shall determine the recipient to have  
4           failed to comply substantially with this Act, and  
5           the recipient shall be subject to an action under  
6           subsection (a).”.

7           (j) LABOR STANDARDS.—Section 104(b) of the Na-  
8           tive American Housing Assistance and Self-Determination  
9           Act of 1996 (25 U.S.C. 4114(b) is amended—

10           (1) in paragraph (1), by striking “Davis-Bacon  
11           Act (40 U.S.C. 276a–276a–5)” and inserting “Act  
12           of March 3, 1931 (commonly known as the Davis-  
13           Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C  
14           276a et seq.)”; and

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

17           “(3) APPLICATION OF TRIBAL LAWS.—Para-  
18           graph (1) shall not apply to any contract or agree-  
19           ment for assistance, sale, or lease pursuant to this  
20           Act, if such contract or agreement is otherwise cov-  
21           ered by one or more laws or regulations adopted by  
22           an Indian tribe that requires the payment of not less  
23           than prevailing wages, as determined by the Indian  
24           tribe.”.

25           (k) TECHNICAL AND CONFORMING AMENDMENTS.—

1           (1) TABLE OF CONTENTS.—Section 1(b) of the  
2       Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is  
3       amended in the table of contents—  
4

5           (A) by striking the item relating to section  
6       206; and

7           (B) by striking the item relating to section  
8       209 and inserting the following:

“209. Noncompliance with affordable housing requirement.”.

9           (2) CERTIFICATION OF COMPLIANCE WITH SUB-  
10       SIDY LAYERING REQUIREMENTS.—Section 206 of  
11       the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is re-  
12       pealed.  
13

14          (3) TERMINATIONS.—Section 502(a) of the Na-  
15       tive American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: “Any housing  
16       that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section  
17       shall, for the following fiscal year and each fiscal  
18       year thereafter, be considered to be a dwelling unit  
19       under section 302(b)(1).”.

1 **TITLE XI—INDIAN EMPLOY-**  
2 **MENT, TRAINING AND RE-**  
3 **LATED SERVICES**

4 **SEC. 1101. SHORT TITLE.**

5 This title may be cited as the “Indian Employment,  
6 Training, and Related Services Demonstration Act  
7 Amendments of 2000”.

8 **SEC. 1102. FINDINGS, PURPOSES.**

9 (a) FINDINGS.—The Congress finds that—

10 (1) Indian tribes and Alaska Native organiza-  
11 tions that have participated in carrying out pro-  
12 grams under the Indian Employment, Training, and  
13 Related Services Demonstration Act of 1992 (25  
14 U.S.C. 3401 et seq.) have—

15 (A) improved the effectiveness of employ-  
16 ment-related services provided by those tribes  
17 and organizations to their members;

18 (B) enabled more Indian and Alaska Na-  
19 tive people to prepare for and secure employ-  
20 ment;

21 (C) assisted in transitioning tribal mem-  
22 bers from welfare to work; and

23 (D) otherwise demonstrated the value of  
24 integrating employment, training, education  
25 and related services.

1           (E) the initiatives under the Indian Em-  
2           ployment, Training, and Related Services Dem-  
3           onstration Act of 1992 should be strengthened  
4           by ensuring that all Federal programs that em-  
5           phasize the value of work may be included with-  
6           in a demonstration program of an Indian or  
7           Alaska Native organization; and

8           (F) the initiatives under the Indian Em-  
9           ployment, Training, and Related Services Dem-  
10          onstration Act of 1992 should have the benefit  
11          of the support and attention of the officials  
12          with policymaking authority of—

13               (i) the Department of the Interior; or

14               (ii) other Federal agencies that ad-  
15          minister programs covered by the Indian  
16          Employment, Training, and Related Serv-  
17          ices Demonstration Act of 1992.

18          (b) PURPOSES.—The purposes of this title are to  
19          demonstrate how Indian tribal governments can integrate  
20          the employment, training, and related services they pro-  
21          vide in order to improve the effectiveness of those services,  
22          reduce joblessness in Indian communities, foster economic  
23          development on Indian lands, and serve tribally-deter-  
24          mined goals consistent with the policies of self-determina-  
25          tion and self-governance.

1 **SEC. 1103. AMENDMENTS TO THE INDIAN EMPLOYMENT,**  
2 **TRAINING AND RELATED SERVICES DEM-**  
3 **ONSTRATION ACT OF 1992.**

4 (a) DEFINITIONS.—Section 3 of the Indian Employ-  
5 ment, Training, and Related Services Demonstration Act  
6 of 1992 (25 U.S.C. 3402) is amended—

7 (1) by redesignating paragraphs (1) through  
8 (3) as paragraphs (2) through (4), respectively; and  
9 (2) by inserting before paragraph (2) the fol-  
10 lowing:

11 “(1) FEDERAL AGENCY.—The term ‘federal  
12 agency’ has the same meaning given the term ‘agen-  
13 cy’ in section 551(1) of title 5, United States  
14 Code.”.

15 (b) PROGRAMS AFFECTED.—Section 5 of the Indian  
16 Employment, Training, and Related Services Demonstra-  
17 tion Act of 1992 (25 U.S.C. 3404) is amended by striking  
18 “job training, tribal work experience, employment oppor-  
19 tunities, or skill development, or any program designed for  
20 the enhancement of job opportunities or employment  
21 training” and inserting the following: “assisting Indian  
22 youth and adults to succeed in the workforce, encouraging  
23 self-sufficiency, familiarizing Indian Youth and adults  
24 with the world of work, facilitating the creation of job op-  
25 portunities and any services related to these activities”.

1       (c) PLAN REVIEW.—Section 7 of the Indian Employ-  
2   ment, Training, and Related Services Demonstration Act  
3   of 1992 (25 U.S.C. 3406) is amended—

4           (1) by striking “Federal department” and in-  
5       serting “Federal agency”;

6           (2) by striking “Federal departmental” and in-  
7       serting “Federal agency”;

8           (3) by striking “department” each place it ap-  
9       pears and inserting “agency”; and

10          (4) in the third sentence, by inserting “statu-  
11       tory requirement,” after “to waive any”.

12       (d) PLAN APPROVAL.—Section 8 of the Indian Em-  
13   ployment, Training, and Related Services Demonstration  
14   Act of 1992 (25 U.S.C. 3407) is amended—

15          (1) in the first sentence, by inserting before the  
16       period at the end the following; “, including any re-  
17       quest for a waiver that is made as part of the plan  
18       submitted by the tribal government”; and

19          (2) in the second sentence, by inserting before  
20       the period at the end the following: “, including re-  
21       considering the disapproval of any waiver requested  
22       by the Indian tribe”.

23       (e) JOB CREATION ACTIVITIES AUTHORIZED.—Sec-  
24   tion 9 of the Indian Employment, Training, and Related

1 Services Demonstration Act of 1992 (25 U.S.C. 3407) is  
2 amended—

3 (1) by inserting “(a) IN GENERAL.—” before  
4 “The plan submitted”; and

5 (2) by adding at the end the following:

6 “(b) JOB CREATION OPPORTUNITIES.—

7 “(1) IN GENERAL.—Notwithstanding any other  
8 provisions of law, including any requirement of a  
9 program that is integrated under a plan under this  
10 Act, a tribal government may use a percentage of  
11 the funds made available under this Act (as deter-  
12 mined under paragraph (2)) for the creation of em-  
13 ployment opportunities, including providing private  
14 sector training placement under section 10.

15 “(2) DETERMINATION OF PERCENTAGE.—The  
16 percentage of funds that a tribal government may  
17 use under this subsection is the greater of—

18 “(A) the rate of unemployment in the serv-  
19 ice area of the tribe up to a maximum of 25  
20 percent; or

21 “(B) 10 percent.

22 “(c) LIMITATION.—The funds used for an expendi-  
23 ture described in subsection (a) may only include funds  
24 made available to the Indian tribe by a Federal agency  
25 under a statutory or administrative formula.”.

1 **SEC. 1104. REPORT ON EXPANDING THE OPPORTUNITIES**  
2 **FOR PROGRAM INTEGRATION.**

3 Not later than one year after the date of enactment  
4 of this title, the Secretary, the Secretary of Health and  
5 Human Services, the Secretary of Labor, and the tribes  
6 and organizations participating in the integration initia-  
7 tive under this title shall submit a report to the Committee  
8 on Indian Affairs of the Senate and the Committee on Re-  
9 sources of the House of Representatives on the opportuni-  
10 ties for expanding the integration of human resource de-  
11 velopment and economic development programs under this  
12 title, and the feasibility of establishing Joint Funding  
13 Agreements to authorize tribes to access and coordinated  
14 funds and resources from various agencies for purposes  
15 of human resources development, physical infrastructure  
16 development, and economic development assistance in gen-  
17 eral. Such report shall identify programs or activities  
18 which might be integrated and make recommendations for  
19 the removal of any statutory or other barriers to such inte-  
20 gration.

21 **TITLE XII—NAVAJO NATION**  
22 **TRUST LAND LEASING**

23 **SEC. 1201. SHORT TITLE.**

24 This title may be cited as the “Navajo Nation Trust  
25 Land Leasing Act of 2000”.



1 **SEC. 1202. CONGRESSIONAL FINDINGS AND DECLARATION**  
2 **OF PURPOSES.**

3 (a) FINDINGS.—Recognizing the special relationship  
4 between the United States and the Navajo Nation and its  
5 members, and the Federal responsibility to the Navajo  
6 people, Congress finds that—

7 (1) the third clause of section 8, Article I of the  
8 United States Constitution provides that “The Con-  
9 gress shall have Power . . . to regulate  
10 Commerce . . . with Indian tribes”, and, through  
11 this and other constitutional authority, Congress has  
12 plenary power over Indian affairs;

13 (2) Congress, through statutes, treaties, and  
14 the general course of dealing with Indian tribes, has  
15 assumed the responsibility for the protection and  
16 preservation of Indian tribes and their resources;

17 (3) the United States has a trust obligation to  
18 guard and preserve the sovereignty of Indian tribes  
19 in order to foster strong tribal governments, Indian  
20 self-determination, and economic self-sufficiency;

21 (4) pursuant to the first section of the Act of  
22 August 9, 1955 (25 U.S.C. 415), Congress conferred  
23 upon the Secretary of the Interior the power to pro-  
24 mulgate regulations governing tribal leases and to  
25 approve tribal leases for tribes according to regula-  
26 tions promulgated by the Secretary;

1           (5) the Secretary has promulgated the regula-  
2           tions described in paragraph (4) at part 162 of title  
3           25, Code of Federal Regulations;

4           (6) the requirement that the Secretary approve  
5           leases for the development of Navajo trust lands has  
6           added a level of review and regulation that does not  
7           apply to the development of non-Indian land; and

8           (7) in the global economy of the 21st century,  
9           it is crucial that individual leases of Navajo trust  
10          lands not be subject to Secretarial approval and that  
11          the Navajo Nation be able to make immediate deci-  
12          sions over the use of Navajo trust lands.

13          (b) PURPOSES.—The purposes of this title are as fol-  
14          lows:

15               (1) To establish a streamlined process for the  
16               Navajo Nation to lease trust lands without having to  
17               obtain the approval of the Secretary of the Interior  
18               of individual leases, except leases for exploration, de-  
19               velopment, or extraction of any mineral resources.

20               (2) To authorize the Navajo Nation, pursuant  
21               to tribal regulations, which must be approved by the  
22               Secretary, to lease Navajo trust lands without the  
23               approval of the Secretary of the Interior of the indi-  
24               vidual leases, except leases for exploration, develop-  
25               ment, or extraction of any mineral resources.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) NAVAJO NATION.—The term “Navajo Nation” means the Navajo Nation government that is in existence on the date of enactment of this Act.

(3) TRIBAL REGULATIONS.—The term “tribal regulations” means the Navajo Nation regulations as enacted by the Navajo Nation Council or its standing committees and approved by the Secretary.

22 SEC. 1203. LEASE OF RESTRICTED LANDS FOR THE NAVAJO  
23 NATION.

24       The first section of the Act of August 9, 1955 (25  
25 U.S.C. 415) is amended—

1 (1) in subsection (d)—

2 (A) in paragraph (1), by striking “and” at  
3 the end;

4 (B) in paragraph (2), by striking the pe-  
5 riod and inserting a semicolon; and

6 (C) by adding at the end the following:

7 “(3) the term ‘individually owned Navajo In-  
8 dian allotted lands’ means Navajo Indian allotted  
9 land that is owned by 1 or more individuals located  
10 within the Navajo Nation;

11 “(4) the term ‘Navajo Nation’ means the Nav-  
12 ajo Nation government that is in existence on the  
13 date of enactment of this Act;

14 “(5) the term ‘Secretary’ means the Secretary  
15 of the Interior; and

16 “(6) the term ‘tribal regulations’ means the  
17 Navajo Nation regulations as enacted by the Navajo  
18 Nation Council or its standing committees and ap-  
19 proved by the Secretary.”; and

20 (2) by adding at the end the following:

21 “(e)(1) Any leases by the Navajo Nation for purposes  
22 authorized under subsection (a), except a lease for the ex-  
23 ploration, development, or extraction of any mineral re-  
24 sources, shall not require the approval of the Secretary  
25 if the term of the lease does not exceed 75 years (including

1 options to renew), and the lease is executed under tribal  
2 regulations that are approved by the Secretary under this  
3 subsection.

4 “(2) Paragraph (1) shall not apply to individually  
5 owned Navajo Indian allotted land located within the Nav-  
6 ajo Nation.

7 “(3) The Secretary shall have the authority to ap-  
8 prove or disapprove tribal regulations required under  
9 paragraph (1). The Secretary shall not have approval au-  
10 thority over individual leases of Navajo trust lands, except  
11 for the exploration, development, or extraction of any min-  
12 eral resources. The Secretary shall perform the duties of  
13 the Secretary under this subsection in the best interest  
14 of the Navajo Nation.

15 “(4) If the Navajo Nation has executed a lease pursu-  
16 ant to tribal regulations required under paragraph (1), the  
17 United states shall not be liable for losses sustained by  
18 any party to such lease, including the Navajo Nation, ex-  
19 cept that—

20 “(A) the Secretary shall continue to have a  
21 trust obligation to ensure that the rights of the Nav-  
22 ajo Nation are protected in the event of a violation  
23 of the terms of any lease by any other party to such  
24 lease, including the right to cancel the lease if re-  
25 quested by the Navajo Nation; and

1 “(B) nothing in this subsection shall be con-  
 2 strued to absolve the United States from any re-  
 3 sponsibility to the Navajo Nation, including respon-  
 4 sibilities that derive from the trust relationship and  
 5 from any treaties, Executive orders, or agreements  
 6 between the United States and the Navajo Nation,  
 7 except as otherwise specifically provided in this sub-  
 8 section.”.

9 **TITLE XIII—AMERICAN INDIAN**  
 10 **EDUCATION FOUNDATION**

11 **SEC. 1301. SHORT TITLE.**

12 This title may be cited as the “American Indian Edu-  
 13 cation Foundation Act of 2000”.

14 **SEC. 1302. ESTABLISHMENT OF AMERICAN INDIAN EDU-**  
 15 **CATION FOUNDATION.**

16 The Indian Self-Determination and Education Assist-  
 17 ance Act (25 U.S.C. 450 et seq.) is amended by adding  
 18 at the end the following:

19 **“TITLE V—AMERICAN INDIAN**  
 20 **EDUCATION FOUNDATION**

21 **“SEC. 501. AMERICAN INDIAN EDUCATION FOUNDATION.**

22 “(a) IN GENERAL.—As soon as practicable after the  
 23 date of the enactment of this title, the Secretary of the  
 24 Interior shall establish, under the laws of the District of

1 Columbia and in accordance with this title, the American  
2 Indian Education Foundation.

3 “(b) PERPETUAL EXISTENCE.—Except as otherwise  
4 provided, the Foundation shall have perpetual existence.

5 “(c) NATURE OF CORPORATION.—The Foundation  
6 shall be a charitable and nonprofit federally chartered cor-  
7 poration and shall not be an agency or instrumentality of  
8 the United States.

9 “(d) PLACE OF INCORPORATION AND DOMICILE.—  
10 The Foundation shall be incorporated and domiciled in the  
11 District of Columbia.

12 “(e) PURPOSES.—The purposes of the Foundation  
13 shall be—

14 “(1) to encourage, accept, and administer pri-  
15 vate gifts of real and personal property or any in-  
16 come therefrom or other interest therein for the ben-  
17 efit of, or in support of, the mission of the Office of  
18 Indian Education Programs of the Bureau of Indian  
19 Affairs (or its successor office);

20 “(2) to undertake and conduct such other ac-  
21 tivities as will further the educational opportunities  
22 of American Indians who attend a Bureau funded  
23 school; and

24 “(3) to participate with, and otherwise assist,  
25 Federal, State, and tribal governments, agencies, en-

1       tities, and individuals in undertaking and conducting  
2       activities that will further the educational opportuni-  
3       ties of American Indians attending Bureau funded  
4       schools.

5       “(f) BOARD OF DIRECTORS.—

6               “(1) IN GENERAL.—The Board of Directors  
7       shall be the governing body of the Foundation. The  
8       Board may exercise, or provide for the exercise of,  
9       the powers of the Foundation.

10              “(2) SELECTION.—The number of members of  
11       the Board, the manner of their selection (including  
12       the filling of vacancies), and their terms of office  
13       shall be as provided in the constitution and bylaws  
14       of the Foundation. However, the Board shall have at  
15       least 11 members, 2 of whom shall be the Secretary  
16       and the Assistant Secretary of the Interior for In-  
17       dian Affairs, who shall serve as ex officio nonvoting  
18       members, and the initial voting members of the  
19       Board shall be appointed by the Secretary not later  
20       than 6 months after the date that the Foundation  
21       is established and shall have staggered terms (as de-  
22       termined by the Secretary).

23              “(3) QUALIFICATION.—The members of the  
24       Board shall be United States citizens who are knowl-  
25       edgeable or experienced in American Indian edu-



1 cation and shall, to the extent practicable, represent  
2 diverse points of view relating to the education of  
3 American Indians.

4 “(4) COMPENSATION.—Members of the Board  
5 shall not receive compensation for their services as  
6 members, but shall be reimbursed for actual and  
7 necessary travel and subsistence expenses incurred  
8 by them in the performance of the duties of the  
9 Foundation.

10 “(g) OFFICERS.—

11 “(1) IN GENERAL.—The officers of the Founda-  
12 tion shall be a secretary, elected from among the  
13 members of the Board, and any other officers pro-  
14 vided for in the constitution and bylaws of the Foun-  
15 dation.

16 “(2) SECRETARY OF FOUNDATION.—The sec-  
17 retary shall serve, at the direction of the Board, as  
18 its chief operating officer and shall be knowledgeable  
19 and experienced in matters relating to education in  
20 general and education of American Indians in par-  
21 ticular.

22 “(3) ELECTION.—The manner of election, term  
23 of office, and duties of the officers shall be as pro-  
24 vided in the constitution and bylaws of the Founda-  
25 tion.

1       “(h) POWERS.—The Foundation—

2               “(1) shall adopt a constitution and bylaws for  
3       the management of its property and the regulation  
4       of its affairs, which may be amended;

5               “(2) may adopt and alter a corporate seal;

6               “(3) may make contracts, subject to the limita-  
7       tions of this Act;

8               “(4) may acquire (through a gift or otherwise),  
9       own, lease, encumber, and transfer real or personal  
10       property as necessary or convenient to carry out the  
11       purposes of the Foundation;

12               “(5) may sue and be sued; and

13               “(6) may perform any other act necessary and  
14       proper to carry out the purposes of the Foundation.

15       “(i) PRINCIPAL OFFICE.—The principal office of the  
16       Foundation shall be in the District of Columbia. However,  
17       the activities of the Foundation may be conducted, and  
18       offices may be maintained, throughout the United States  
19       in accordance with the constitution and bylaws of the  
20       Foundation.

21       “(j) SERVICE OF PROCESS.—The Foundation shall  
22       comply with the law on service of process of each State  
23       in which it is incorporated and of each State in which the  
24       Foundation carries on activities.

1       “(k) LIABILITY OF OFFICERS AND AGENTS.—The  
2 Foundation shall be liable for the acts of its officers and  
3 agents acting within the scope of their authority. Members  
4 of the Board are personally liable only for gross negligence  
5 in the performance of their duties.

6       “(l) RESTRICTIONS.—

7               “(1) LIMITATION ON SPENDING.—Beginning  
8 with the fiscal year following the first full fiscal year  
9 during which the Foundation is in operation, the ad-  
10 ministrative costs of the Foundation may not exceed  
11 10 percent of the sum of—

12                       “(A) the amounts transferred to the Foun-  
13 dation under subsection (m) during the pre-  
14 ceding fiscal year; and

15                       “(B) donations received from private  
16 sources during the preceding fiscal year.

17       “(2) APPOINTMENT AND HIRING.—The ap-  
18 pointment of officers and employees of the Founda-  
19 tion shall be subject to the availability of funds.

20       “(3) STATUS.—Members of the Board, and the  
21 officers, employees, and agents of the Foundation  
22 are not, by reason of their association with the  
23 Foundation, officers, employees, or agents of the  
24 United States.

1       “(m) TRANSFER OF DONATED FUNDS.—The Sec-  
2 retary may transfer to the Foundation funds held by the  
3 Department of the Interior under the Act of February 14,  
4 1931 (25 U.S.C. 451), if the transfer or use of such funds  
5 is not prohibited by any term under which the funds were  
6 donated.

7       “(n) AUDITS.—The Foundation shall comply with the  
8 audit requirements set forth in section 10101 of title 36,  
9 United States Code, as if it were a corporation in part  
10 B of subtitle II of that title.

11       **“SEC. 502. ADMINISTRATIVE SERVICES AND SUPPORT.**

12       “(a) PROVISION OF SUPPORT BY SECRETARY.—Sub-  
13 ject to subsection (b), during the 5-year period beginning  
14 on the date that the Foundation is established, the  
15 Secretary—

16               “(1) may provide personnel, facilities, and other  
17 administrative support services to the Foundation;

18               “(2) may provide funds to reimburse the travel  
19 expenses of the members of the Board under section  
20 501; and

21               “(3) shall require and accept reimbursements  
22 from the Foundation for any—

23                       “(A) services provided under paragraph  
24 (1); and

25                       “(B) funds provided under paragraph (2).

1       “(b) REIMBURSEMENTT.—Reimbursements accepted  
2 under subsection (a)(3) shall be deposited in the Treasury  
3 to the credit of the appropriations then current and  
4 chargeable for the cost of providing services described in  
5 subsection (a)(1) and the travel expenses described in sub-  
6 section (a)(2).

7       “(c) CONTINUATION OF CERTAIN SERVICES.—Not-  
8 withstanding any other provision of this section, the Sec-  
9 retary may continue to provide facilities and necessary  
10 support services to the Foundation after the termination  
11 of the 5-year period specified in subsection (a), on a space  
12 available, reimbursable cost basis.

13   **“SEC. 503. DEFINITIONS.**

14       “For the purposes of this title—

15               “(1) the term ‘Bureau funded school’ has the  
16 meaning given that term in title XI of the Education  
17 Amendments of 1978;

18               “(2) the term ‘Foundation’ means the Founda-  
19 tion established by the Secretary pursuant to section  
20 501; and

21               “(3) the term ‘Secretary’ means the Secretary  
22 of the Interior.”.

1 **TITLE XIV—GRATON RANCHERIA**  
2 **RESTORATION**

3 **SEC. 1401. SHORT TITLE.**

4 This title may be cited as the “Graton Rancheria  
5 Restoration Act”.

6 **SEC. 1402. FINDINGS.**

7 The Congress finds that in their 1997 Report to Con-  
8 gress, the Advisory Council on California Indian Policy  
9 specifically recommended the immediate legislative res-  
10 toration of the Graton Rancheria.

11 **SEC. 1403. DEFINITIONS.**

12 For purposes of this title:

13 (1) The term “Tribe” means the Indians of the  
14 Graton Rancheria of California.

15 (2) The term “Secretary” means the Secretary  
16 of the Interior.

17 (3) The term “Interim Tribal Council” means  
18 the governing body of the Tribe specified in section  
19 1407.

20 (4) The term “member” means an individual  
21 who meets the membership criteria under section  
22 1406(b).

23 (5) The term “State” means the State of Cali-  
24 fornia.

1           (6) The term “reservation” means those lands  
2           acquired and held in trust by the Secretary for the  
3           benefit of the Tribe.

4           (7) The term “service area” means the counties  
5           of Marin and Sonoma, in the State of California.

6 **SEC. 1404. RESTORATION OF FEDERAL RECOGNITION,**  
7 **RIGHTS, AND PRIVILEGES.**

8           (a) **FEDERAL RECOGNITION.**—Federal recognition is  
9           hereby restored to the Tribe. Except as otherwise provided  
10          in this title, all laws and regulations of general application  
11          to Indians and nations, tribes, or bands of Indians that  
12          are not inconsistent with any specific provision of this title  
13          shall be applicable to the Tribe and its members.

14          (b) **RESTORATION OF RIGHTS AND PRIVILEGES.**—  
15          Except as provided in subsection (d), all rights and privi-  
16          leges of the Tribe and its members under any Federal  
17          treaty, Executive order, agreement, or statute, or under  
18          any other authority which were diminished or lost under  
19          the Act of August 18, 1958 (Public Law 85–671; 72 Stat.  
20          619), are hereby restored, and the provisions of such Act  
21          shall be inapplicable to the Tribe and its members after  
22          the date of the enactment of this Act.

23          (c) **FEDERAL SERVICES AND BENEFITS.**—

24                  (1) **IN GENERAL.**—Without regard to the exist-  
25          ence of a reservation, the Tribe and its members

1 shall be eligible, on and after the date of the enact-  
2 ment of this Act for all Federal services and benefits  
3 furnished to federally recognized Indian tribes or  
4 their members. For the purposes of Federal services  
5 and benefits available to members of federally recog-  
6 nized Indian tribes residing on a reservation, mem-  
7 bers of the Tribe residing in the Tribe's service area  
8 shall be deemed to be residing on a reservation.

9 (2) RELATION TO OTHER LAWS.—The eligibility  
10 for or receipt of services and benefits under para-  
11 graph (1) by a tribe or individual shall not be con-  
12 sidered as income, resources, or otherwise when de-  
13 termining the eligibility for or computation of any  
14 payment or other benefit to such tribe, individual, or  
15 household under—

16 (A) any financial aid program of the  
17 United States, including grants and contracts  
18 subject to the Indian Self-Determination Act; or

19 (B) any other benefit to which such tribe,  
20 household, or individual would otherwise be en-  
21 titled under any Federal or federally assisted  
22 program.

23 (d) HUNTING, FISHING, TRAPPING, GATHERING,  
24 AND WATER RIGHTS.—Nothing in this title shall expand,  
25 reduce, or affect in any manner any hunting, fishing, trap-



1 ping, gathering, or water rights of the Tribe and its mem-  
2 bers.

3 (e) CERTAIN RIGHTS NOT ALTERED.—Except as  
4 specifically provided in this title, nothing in this title shall  
5 alter any property right or obligation, any contractual  
6 right or obligation, or any obligation for taxes levied.

7 **SEC. 1405. TRANSFER OF LAND TO BE HELD IN TRUST.**

8 (a) LANDS TO BE TAKEN IN TRUST.—Upon applica-  
9 tion by the Tribe, the Secretary shall accept into trust for  
10 the benefit of the Tribe any real property located in Marin  
11 or Sonoma County, California, for the benefit of the Tribe  
12 after the property is conveyed or otherwise transferred to  
13 the Secretary and if, at the time of such conveyance or  
14 transfer, there are no adverse legal claims to such prop-  
15 erty, including outstanding liens, mortgages, or taxes.

16 (b) FORMER TRUST LANDS OF THE GRATON  
17 RANCHERIA.—Subject to the conditions specified in this  
18 section, real property eligible for trust status under this  
19 section shall include Indian owned fee land held by persons  
20 listed as distributees or dependent members in the dis-  
21 tribution plan approved by the Secretary on September 17,  
22 1959, or such distributees' or dependent members' Indian  
23 heirs or successors in interest.

24 (c) LANDS TO BE PART OF RESERVATION.—Any  
25 real property taken into trust for the benefit of the Tribe

1 pursuant to this title shall be part of the Tribe's reserva-  
2 tion.

3 (d) LANDS TO BE NONTAXABLE.—Any real property  
4 taken into trust for the benefit of the Tribe pursuant to  
5 this section shall be exempt from all local, State, and Fed-  
6 eral taxation as of the date that such land is transferred  
7 to the Secretary.

8 **SEC. 1406. MEMBERSHIP ROLLS.**

9 (a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—  
10 Not later than 1 year after the date of the enactment of  
11 this Act, the Secretary shall, after consultation with the  
12 Tribe, compile a membership roll of the Tribe.

13 (b) CRITERIA FOR MEMBERSHIP.—

14 (1) Until a tribal constitution is adopted under  
15 section 1408, an individual shall be placed on the  
16 Graton membership roll if such individual is living,  
17 is not an enrolled member of another federally rec-  
18 ognized Indian tribe, and if—

19 (A) such individual's name was listed on  
20 the Graton Indian Rancheria distribution list  
21 compiled by the Bureau of Indian Affairs and  
22 approved by the Secretary on September 17,  
23 1959, under Public Law 85–671;

24 (B) such individual was not listed on the  
25 Graton Indian Rancheria distribution list, but

1 met the requirements that had to be met to be  
2 listed on the Graton Indian Rancheria distribu-  
3 tion list;

4 (C) such individual is identified as an In-  
5 dian from the Graton, Marshall, Bodega,  
6 Tomales, or Sebastopol, California, vicinities, in  
7 documents prepared by or at the direction of  
8 the Bureau of Indian Affairs, or in any other  
9 public or California mission records; or

10 (D) such individual is a lineal descendant  
11 of an individual, living or dead, identified in  
12 subparagraph (A), (B), or (C).

13 (2) After adoption of a tribal constitution under  
14 section 1408, such tribal constitution shall govern  
15 membership in the Tribe.

16 (c) CONCLUSIVE PROOF OF GRATON INDIAN ANCES-  
17 TRY.—For the purpose of subsection (b), the Secretary  
18 shall accept any available evidence establishing Graton In-  
19 dian ancestry. The Secretary shall accept as conclusive  
20 evidence of Graton Indian ancestry information contained  
21 in the census of the Indians from the Graton, Marshall,  
22 Bodega, Tomales, or Sebastopol, California, vicinities, pre-  
23 pared by or at the direction of Special Indian Agent John  
24 J. Terrell in any other roll or census of Graton Indians  
25 prepared by or at the direction of the Bureau of Indian

1 Affairs and in the Graton Indian Rancheria distribution  
2 list compiled by the Bureau of Indian Affairs and ap-  
3 proved by the Secretary on September 17, 1959.

4 **SEC. 1407. INTERIM GOVERNMENT.**

5       Until the Tribe ratifies a final constitution consistent  
6 with section 1408, the Tribe's governing body shall be an  
7 Interim Tribal Council. The initial membership of the In-  
8 terim Tribal Council shall consist of the members serving  
9 on the date of the enactment of this Act, who have been  
10 elected under the tribal constitution adopted May 3, 1997.  
11 The Interim Tribal Council shall continue to operate in  
12 the manner prescribed under such tribal constitution. Any  
13 vacancy on the Interim Tribal Council shall be filled by  
14 individuals who meet the membership criteria set forth in  
15 section 1406(b) and who are elected in the same manner  
16 as are Tribal Council members under the tribal constitu-  
17 tion adopted May 3, 1997.

18 **SEC. 1408. TRIBAL CONSTITUTION.**

19       (a) ELECTION; TIME; PROCEDURE.—After the com-  
20 pilation of the tribal membership roll under section  
21 1406(a), upon the written request of the Interim Tribal  
22 Council, the Secretary shall conduct, by secret ballot, an  
23 election for the purpose of ratifying a final constitution  
24 for the Tribe. The election shall be held consistent with  
25 sections 16(c)(1) and 16(c)(2)(A) of the Act of June 18,

1 1934 (commonly known as the Indian Reorganization Act;  
 2 25 U.S.C. 476(c)(1) and 476(c)(2)(A), respectively). Ab-  
 3 sentee voting shall be permitted regardless of voter resi-  
 4 dence.

5 (b) ELECTION OF TRIBAL OFFICIALS; PROCE-  
 6 DURES.—Not later than 120 days after the Tribe ratifies  
 7 a final constitution under subsection (a), the Secretary  
 8 shall conduct an election by secret ballot for the purpose  
 9 of electing tribal officials as provided in such tribal con-  
 10 stitution. Such election shall be conducted consistent with  
 11 the procedures specified in subsection (a) except to the  
 12 extent that such procedures conflict with the tribal con-  
 13 stitution.

## 14 **TITLE XV—CEMETERY SITES** 15 **AND HISTORICAL PLACES**

### 16 **SEC. 1501. FINDINGS; DEFINITIONS.**

17 (a) FINDINGS.—The Congress finds the following:

18 (1) Pursuant to section 14(h)(1) of ANCSA,  
 19 the Secretary has the authority to withdraw and  
 20 convey to the appropriate regional corporation fee  
 21 title to existing cemetery sites and historical places.

22 (2) Pursuant to section 14(h)(7) of ANCSA,  
 23 lands located within a National Forest may be con-  
 24 veyed for the purposes set forth in section 14(h)(1)  
 25 of ANCSA.

1           (3) Chugach Alaska Corporation, the Alaska  
2       Native Regional Corporation for the Chugach Re-  
3       gion, applied to the Secretary for the conveyance of  
4       cemetery sites and historical places pursuant to sec-  
5       tion 14(h)(1) of ANCSA in accordance with the reg-  
6       ulations promulgated by the Secretary.

7           (4) Among the applications filed were applica-  
8       tions for historical places at Miners Lake (AA-  
9       41487), Coghill Point (AA-41488), College Fjord  
10      (AA-41489), Point Pakenham (AA-41490), College  
11      Point (AA-41491), Egg Island (AA-41492), and  
12      Wingham Island (AA-41494), which applications  
13      were substantively processed for 13 years and then  
14      rejected as having been untimely filed.

15          (5) The fulfillment of the intent, purpose, and  
16      promise of ANCSA requires that applications sub-  
17      stantively processed for 13 years should be accepted  
18      as timely, subject only to a determination that such  
19      lands and applications meet the eligibility criteria for  
20      historical places or cemetery sites, as appropriate,  
21      set forth in the Secretary's regulations.

22          (b) DEFINITIONS.—For the purposes of this title, the  
23      following definitions apply:

1           (1) ANCSA.—The term “ANCSA” means the  
2       Alaska Native Claims Settlement Act, as amended  
3       (43 U.S.C. 1601 et seq.).

4           (2) FEDERAL GOVERNMENT.—The term “Fed-  
5       eral Government” means any Federal agency of the  
6       United States.

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

9       **SEC. 1502. WITHDRAWAL OF LANDS.**

10       Notwithstanding any other provision of law, the Sec-  
11       retary shall withdraw from all forms of appropriation all  
12       public lands described in the applications identified in sec-  
13       tion 1501(a)(4) of this title.

14       **SEC. 1503. APPLICATION FOR CONVEYANCE OF WITH-**  
15                               **DRAWN LANDS.**

16       With respect to lands withdrawn pursuant to section  
17       1502 of this title, the applications identified in section  
18       1501(a)(4) of this title are deemed to have been timely  
19       filed. In processing these applications on the merits, the  
20       Secretary shall incorporate and use any work done on  
21       these applications during the processing of these applica-  
22       tions since 1980.

23       **SEC. 1504. AMENDMENTS.**

24       Chugach Alaska Corporation may amend any applica-  
25       tion under section 1503 of this title in accordance with

1 the rules and regulations generally applicable to amending  
2 applications under section 14(h)(1) of ANCSA.

3 **SEC. 1505. PROCEDURE FOR EVALUATING APPLICATIONS.**

4 All applications under section 1503 of this title shall  
5 be evaluated in accordance with the criteria and proce-  
6 dures set forth in the regulations promulgated by the Sec-  
7 retary as of the date of the enactment of this title. To  
8 the extent that such criteria and procedures conflict with  
9 any provision of this title, the provisions of this title shall  
10 control.

11 **SEC. 1506. APPLICABILITY.**

12 (a) EFFECT ON ANCSA PROVISIONS.—Notwith-  
13 standing any other provision of law or of this title, any  
14 conveyance of land to Chugach Alaska Corporation pursu-  
15 ant to this title shall be charged to and deducted from  
16 the entitlement of Chugach Alaska Corporation under sec-  
17 tion 14(h)(8)(A) of ANCSA (43 U.S.C. 1613(h)(8)(A)),  
18 and no conveyance made pursuant to this title shall affect  
19 the distribution of lands to or the entitlement to land of  
20 any Regional Corporation other than Chugach Alaska Cor-  
21 poration under section 14(h)(8) of ANCSA (43 U.S.C.  
22 1613(h)(8)).

23 (b) NO ENLARGEMENT OF ENTITLEMENT.—Nothing  
24 herein shall be deemed to enlarge Chugach Alaska Cor-



- 1 poration's entitlement to subsurface estate under other-
- 2 wise applicable law.

Passed the House of Representatives October 26,  
2000.

Attest:

*Clerk.*



106TH CONGRESS  
2D SESSION

# H. R. 5528

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## AN ACT

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