

S 536

Native American Omnibus Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Native Americans

Introduced: Mar 7, 2005

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 100.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 100. (May 12, 2005)

Official Text: https://www.congress.gov/bill/109th-congress/senate-bill/536

Sponsor

Name: Sen. McCain, John [R-AZ]

Party: Republican • State: AZ • Chamber: Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Dorgan, Byron L. [D-ND]	D · ND		Apr 18, 2005

Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Reported By	May 12, 2005

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

No related bills are listed.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Native American Omnibus Act of 2005 - Title I: Technical Amendments to Laws Relating to Native Americans - Subtitle A: General Provisions - (Sec. 101) Amends the Indian Financing Act of 1974 with respect to loan guaranty and insurance to: (1) authorize the Secretary of the Interior to guarantee or insure loans to both for-profit and nonprofit borrowers; and (2) allow all or any portion of a guaranteed or insured loan, including its security, to be transferred by the lender by sale or assignment to any person, and be retransferred by the transferee.

Allows a fiscal transfer agent to be compensated through any of the fees assessed and any interest earned on any funds or fees the agent has collected while the funds or fees are in the agent's control and before the time at which the agent is contractually required to transfer such funds to the Secretary or to transferees or other holders.

Makes loans made by an eligible Native American owned or operated Community Development Finance Institution eligible for guaranty or insurance.

Increases from \$500 million to \$1.5 billion the amount of loans the Bureau of Indian Affairs can have outstanding.

(Sec. 102) Amends the Indian Tribal Justice Technical and Legal Assistance Act to extend for FY2004-2010 the authorization of sums necessary for civil and criminal legal assistance grants to Indian legal services programs.

(Sec. 103) Amends the Indian Tribal Justice Act to reauthorize and extend through FY2010 tribal justice systems grants for administrative expenses, the Office of Tribal Justice Support, and a survey of such systems.

(Sec. 104) Amends the Indian Pueblo Lands Act of 1924 to declare that the Pueblos have jurisdiction, as part of their inherent power as an Indian tribe, over any offense committed by a member of the Pueblo or of another Indian tribe, or by any other Indian-owned entity, committed anywhere within the exterior boundaries of any grant to a Pueblo from a prior sovereign, as confirmed by Congress or the Court of Private Lands Claims.

Declares that the United States has jurisdiction over any offense described in the Indians chapter of the federal criminal code committed by or against an Indian or any Indian-owned entity, or that involves any Indian property or interest.

Declares that the State of New Mexico has jurisdiction over any offense committed by a person who is not a member of an Indian tribe, provided that the offense is not subject to federal jurisdiction.

(Sec. 105) Authorizes the transfer of lands now held by the United States Army Corps of Engineers to the Department of the Interior to be held in trust for the benefit of the Prairie Island Indian Community in Red Wing, Minnesota. Subjects such transfer to the condition that the Community shall not be permitted to: (1) use the conveyed land for human habitation; (2) construct any structure on the land without the written approval of the District Engineer; or (3) conduct gaming on the land.

(Sec. 106) Amends Federal Indian law to allow binding arbitration clauses to be included in all contracts, including leases, that affect tribally-owned land within the Gila River Indian Community reservation.

(Sec. 107) Directs the Secretary to accept the conveyance of specified parcels of land within the Puyallup Reservation, State of Washington, and hold the land in trust for the benefit of the Puyallup Indian Tribe.

(Sec. 108) Amends the Native American Graves Protection and Repatriation Act to provide that "Native American" refers to a member of a tribe, a people, or a culture that is or was indigenous to the United States.

(Sec. 109) Amends the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 to adjust the spending rule set forth in that Act for the Tribe's Settlement Fund. Authorizes expenditure of six percent of the average quarterly market value of the Settlement Fund over the preceding three years. Eliminates the current authorization to temporarily spend 20 percent of the Fund's principal.

(Sec. 110) Amends the Washoe Tribe Lake Tahoe Access Act to correct an error in the land description of the 24.3 acres of land near Lake Tahoe taken into trust for the benefit of the Washoe Tribe.

(Sec. 111) Amends the Indian Arts and Crafts Act of 1990 to authorize other federal investigative bodies, in addition to the Federal Bureau of Investigation (FBI), to investigate offenses involving the sale of Indians arts and crafts misrepresented as an Indian product. Provides for recovery in a civil action and payment of damages to the Indian tribe, the Indian, or the Indian arts and crafts organization on behalf of which the civil action was initiated.

(Sec. 112) Corrects the south boundary of the Colorado River Indian Reservation by reestablishing it as it was in the original 1875 survey. Restores to the Reservation the La Paz land (minus two specified parcels belonging to the State of Arizona). Provides for continued public access to the La Paz land for recreational purposes.

(Sec. 113) Amends the Native American Programs Act of 1974 to: (1) promote the Director of the Indian Health Service from vice chairperson to co-chairperson of the Intra-Departmental Council on Native American Affairs; (2) reauthorize and extend the Act through FY2010; and (3) change from annual to once every five years the Secretary of the Interior's report on the social and economic conditions of American Indians, Native Hawaiians, other Native American Pacific Islanders, and Alaska Natives.

(Sec. 114) Amends the Native Hawaiian Education Act to include among activities of programs funded by grants and contracts under such Act research and education activities relating to Native Hawaiian law.

Subtitle B: Indian Education Provisions - (Sec. 121) Amends the Carl D. Perkins Vocational and Technical Education Act of 1998 to revise the formula for the determination of the "Indian student count," using a credit hour-based formula (rather than full-time equivalent). Requires a student count to be made each semester (both the fall and spring semesters), rather than once per year. Includes in the count any credit earned: (1) at a tribally-controlled postsecondary vocational and technical institution by any Indian student that has not obtained a secondary school degree (or the recognized equivalent); and (2) by an Indian student in a continuing education program of such an institution.

(Sec. 122) Amends the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to authorize funding for FY2007-2016 for leadership and management training, strategic and organizational development, and research and policy analysis to assist American Indian nations to achieve effective self-governance and sustainable economic development.

Authorizes the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation to award scholarships, fellowships, internships, or grants to individuals belonging to State-recognized (as well as federally-recognized) Native American tribes, bands, nations, and groups.

Subtitle C: Border Preparedness - (Sec. 131) Amends the Homeland Security Act of 2002 to require the Secretary of Homeland Security, acting through the Under Secretary for Border and Transportation Security, to establish a pilot

program for tribal governments on Indian land located on or near the border of the United States with Canada or Mexico. Requires such program to: (1) facilitate the coordination of the response of an Indian tribe to a threat to the security of an international border of the United States with the responses of federal, state, and local governments; (2) enhance the capability of an Indian tribe as a first responder to an illegal crossing of an immigrant over an international border of the United States; and (3) provide assistance to Indian tribes in their use of effective aerial and ground surveillance technologies, integrated communication systems and equipment, and personnel training.

Directs the Secretary to provide funds and other assistance to tribal governments in accordance with the Indian Self-Determination and Education Assistance Act.

Authorizes appropriations for FY2006-2008.

Title II: Other Amendments to Laws Relating to Native Americans - Subtitle A: Indian Land Leasing - (Sec. 201)

Provide that leases of restricted lands held by the Confederated Tribes on the Umatilla Indian Reservation, Muckleshoot Indian Reservation, Prairie Band Potawatomi Nation, Fallon Paiute Shoshone Tribes, Yurok Tribe, and the Hopland Band of Pomo Indians of the Hopland Rancheria may be of terms not to exceed 99 years.

(Sec. 202) Provides that any actual rent proceeds from the lease of land acquired under the Farmers Home Administration Direct Loan Account shall be considered the rental value and the appraised value of that land.

Subtitle B: Navajo Health Contracting - (Sec. 211) Considers the Navajo Health Foundation/Sage Memorial Hospital in Ganado, Arizona, to be a tribal contractor under the Indian Self-Determination and Education Assistance Act for certain purposes, provided that the hospital remains the authorized tribal organization of the Navajo Nation. (Thus allows the hospital to obtain the benefits of coverage under the Federal Tort Claims Act and secure Department of Veterans Affairs drug discounts.)

Subtitle C: Probate Technical Correction - (Sec. 221) Amends the Indian Land Consolidation Act, as amended by the American Indian Probate Reform Act of 2004, by revising requirements relating to non-testamentary disposition, partition of highly fractionated Indian land, and tribal probate codes.

Actions Timeline

- **May 12, 2005:** Committee on Indian Affairs. Reported by Senator McCain without amendment. With written report No. 109-67.
- **May 12, 2005:** Committee on Indian Affairs. Reported by Senator McCain without amendment. With written report No. 109-67.
- **May 12, 2005:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 100.
- **Mar 9, 2005:** Committee on Indian Affairs. Ordered to be reported without amendment favorably.
- **Mar 7, 2005:** Introduced in Senate
- **Mar 7, 2005:** Sponsor introductory remarks on measure. (CR S2152-2153)
- **Mar 7, 2005:** Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S2153-2159)