

S. 1509

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

**TITLE I—INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES DEMONSTRATION ACT AMENDMENTS**

**SEC. 101. SHORT TITLE.**

This title may be cited as the "Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000".

**SEC. 102. FINDINGS, PURPOSES.**

(a) FINDINGS.—The Congress finds that—  
(1) Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of employment-related services provided by those tribes and organizations to their members;

(B) enabled more Indian and Alaska Native people to prepare for and secure employment;

(C) assisted in transitioning tribal members from welfare to work; and

(D) otherwise demonstrated the value of integrating employment, training, education and related services.

(E) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all Federal programs that emphasize the value of work may be included within a demonstration program of an Indian or Alaska Native organization;

(F) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of—

(i) the Department of the Interior;  
(ii) other Federal agencies that administer programs covered by the Indian Employment, Training, and Related Services Demonstration Act of 1992.

(b) PURPOSES.—The purposes of this title are to demonstrate how Indian tribal governments can integrate the employment, training, and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-determination and self-governance.

**SEC. 103. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.**

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

"(1) FEDERAL AGENCY.—The term 'federal agency' has the same meaning given the term 'agency' in section 551(1) of title 5, United States Code."

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking "job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training" and inserting the following: "assisting Indian

youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian Youth and adults with the world of work, facilitating the creation of job opportunities and any services related to these activities".

(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking "Federal department" and inserting "Federal agency";

(2) by striking "Federal departmental" and inserting "Federal agency";

(3) by striking "department" each place it appears and inserting "agency"; and

(4) in the third sentence, by inserting "statutory requirement," after "to waive any".

(d) PLAN APPROVAL.—Section 8 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) in the first sentence, by inserting before the period at the end the following: ", including any request for a waiver that is made as part of the plan submitted by the tribal government"; and

(2) in the second sentence, by inserting before the period at the end the following: ", including reconsidering the disapproval of any waiver requested by the Indian tribe".

(e) JOB CREATION ACTIVITIES AUTHORIZED.—Section 9 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The plan submitted"; and

(2) by adding at the end the following:  
"(b) JOB CREATION OPPORTUNITIES.—

"(1) IN GENERAL.—Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this Act, a tribal government may use a percentage of the funds made available under this Act (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 10.

"(2) DETERMINATION OF PERCENTAGE.—The percentage of funds that a tribal government may use under this subsection is the greater of—

"(A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or

"(B) 10 percent.

"(c) LIMITATION.—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula."

**SEC. 104. REPORT ON EXPANDING THE OPPORTUNITIES FOR PROGRAM INTEGRATION.**

Not later than one year after the date of enactment of this title, the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under this title shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the opportunities for expanding the integration of human resource development and economic development programs under this title, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated funds and resources from various agencies for purposes of human resources development, physical infrastructure development, and economic development as-

sistance in general. Such report shall identify programs or activities which might be integrated and make recommendations for the removal of any statutory or other barriers to such integration.

**TITLE II—LIMITATION ON PARTIES LIABLE IN CERTAIN LAND DISPUTES**

**SEC. 201. LIABLE PARTIES LIMITED.**

In any action brought claiming an interest in land or natural resources located in Oneida or Madison counties in the State of New York that arises from—

(1) the failure of Congress to approve or ratify the transfer of such land or natural resources from, by, or on behalf of any Indian nation, tribe, or band; or

(2) a violation of any law of the United States that is specifically applicable to the transfer of land or natural resources from, by, or on behalf of any Indian nation, tribe, or band (including the Act entitled "An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers", approved June 30, 1834 (1 Stat. 137)),

liability shall be limited to the party to whom the Indian nation, tribe, or band allegedly transferred the land or natural resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 1509, the Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000. This bill will demonstrate our Indian tribal governments can integrate their employment, training, and related services they provide.

This legislation is important to all tribal governments, and I urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1509, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

**INDIAN ARTS AND CRAFTS ENFORCEMENT ACT OF 2000**

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2872) to improve the

cause of action for misrepresentation of Indian arts and crafts.

The Clerk read as follows:

S. 2872

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Indian Arts and Crafts Enforcement Act of 2000".

**SEC. 2. AMENDMENTS TO CIVIL ACTION PROVISIONS.**

Section 6 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305e) (as added by section 105 of the Indian Arts and Crafts Act of 1990 (Public Law 101-644; 104 Stat. 4664)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ", directly or indirectly," after "against a person who"; and

(B) by inserting the following flush language after paragraph (2)(B):

"For purposes of paragraph (2)(A), damages shall include any and all gross profits accrued by the defendant as a result of the activities found to violate this subsection.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "or" at the end;

(ii) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(C) by an Indian arts and crafts organization on behalf of itself, or by an Indian on behalf of himself or herself."; and

(B) in paragraph (2)(A)—

(i) by striking "the amount recovered the amount" and inserting "the amount recovered—

"(i) the amount"; and

(ii) by adding at the end the following:

"(ii) the amount for the costs of investigation awarded pursuant to subsection (b) and reimburse the Board the amount of such costs incurred as a direct result of Board activities in the suit; and";

(3) in subsection (d)(2), by inserting "subject to subsection (f)," after "(2)"; and

(4) by adding at the end the following:

"(f) Not later than 180 days after the date of enactment of the Indian Arts and Crafts Enforcement Act of 2000, the Board shall promulgate regulations to include in the definition of the term 'Indian product' specific examples of such product to provide guidance to Indian artisans as well as to purveyors and consumers of Indian arts and crafts, as defined under this Act."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 2872, the Indian Arts and Crafts Enforcement Act of 2000. This bill will facilitate the initiation of suits by Indian tribes pursuant to the Indian Arts and Crafts Act of 1990.

Mr. Speaker, I urge my colleagues to support this, and why we did not roll all these bills into one, I will never

know, but that is not my pay grade. I urge the passage of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2872 is a needed tool for the enforcement of the Indian Arts and Crafts Act of 1990 and will permit Native American arts and crafts organizations and Indian artisans access to Federal courts to protect their wares and their intellectual properties.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 2872.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

**NAMPA AND MERIDIAN CONVEYANCE ACT**

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3022) to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

The Clerk read as follows:

S. 3022

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Nampa and Meridian Conveyance Act".

**SEC. 2. CONVEYANCE OF FACILITIES.**

The Secretary of the Interior (in this Act referred to as the "Secretary") shall, as soon as practicable after the date of enactment of this Act, convey facilities to the Nampa and Meridian Irrigation District (in this Act referred to as the "District") in accordance with all applicable laws and pursuant to the terms of the Memorandum of Agreement (contract No. 1425-99MA102500, dated 7 July 1999) between the Secretary and the District. The conveyance of facilities shall include all right, title, and interest of the United States in and to any portion of the canals, laterals, drains, and any other portion of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District.

**SEC. 3. LIABILITY.**

Except as otherwise provided by law, effective on the date of conveyance of facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

**SEC. 4. EXISTING RIGHTS NOT AFFECTED.**

Nothing in this Act affects the rights of any person except as provided in this Act. No water rights shall be transferred, modified,

or otherwise affected by the conveyance of facilities and interests to the Nampa and Meridian Irrigation District under this Act. Such conveyance shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 3022.

For the last 6 years, the Subcommittee on Water and Power of the Committee on Resources has pursued legislation to shrink the size and scope of the Federal Government through the defederalization of the Bureau of Reclamation assets.

S. 3022 continues this defederalization process by directing the Secretary of the Interior to convey, as soon as practical after the date of enactment, certain facilities to the Nampa and Meridian Irrigation District, pursuant to the Memorandum of Agreement between the Secretary of the Interior and the district.

Mr. Speaker, I urge my colleagues to vote "aye" on this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation conveys titles of land and facilities to the Nampa Meridian Irrigation District near Boise, Idaho. It is not controversial and is supported by the administration.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 3022.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

**SPANISH PEAKS WILDERNESS ACT OF 2000**

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 503) designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness".

The Clerk read as follows:

S. 503

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