

Nation has continued to maintain the Shawnee Tribe's separate culture, language, religion, and organization, and a separate membership roll.

(3) The Shawnee Tribe and the Cherokee Nation have concluded that it is in the best interests of the Shawnee Tribe and the Cherokee Nation that the Shawnee Tribe be restored to its position as a separate federally recognized Indian tribe and all current and historical responsibilities, jurisdiction, and sovereignty as it relates to the Shawnee Tribe, the Cherokee-Shawnee people, and their properties everywhere, provided that civil and criminal jurisdiction over Shawnee individually owned restricted and trust lands, Shawnee tribal trust lands, dependent Indian communities, and all other forms of Indian country within the jurisdictional territory of the Cherokee Nation and located within the State of Oklahoma shall remain with the Cherokee Nation, unless consent is obtained by the Shawnee Tribe from the Cherokee Nation to assume all or any portion of such jurisdiction.

(4) On August 12, 1996, the Tribal Council of the Cherokee Nation unanimously adopted Resolution 96-09 supporting the termination by the Secretary of the Interior of the 1869 Agreement.

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

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

(Pub. L. 106-568, title VII, § 702, Dec. 27, 2000, 114 Stat. 2913.)

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-568, title VII, § 701, Dec. 27, 2000, 114 Stat. 2913, provided that: "This title [enacting this subchapter] may be cited as the 'Shawnee Tribe Status Act of 2000'."

§ 1041a. Definitions

In this subchapter:

(1) Cherokee Nation

The term "Cherokee Nation" means the Cherokee Nation, with its headquarters located in Tahlequah, Oklahoma.

(2) Secretary

The term "Secretary" means the Secretary of the Interior.

(3) Tribe

The term "Tribe" means the Shawnee Tribe, known also as the "Loyal Shawnee" or "Cherokee Shawnee", which was a party to the 1869 Agreement between the Cherokee Nation and the Shawnee Tribe of Indians.

(4) Trust land

The term "trust land" means land, the title to which is held by the United States in trust for the benefit of an Indian tribe or individual.

(5) Restricted land

The term "restricted land" means any land, the title to which is held in the name of an In-

dian or Indian tribe subject to restrictions by the United States against alienation.

(Pub. L. 106-568, title VII, § 703, Dec. 27, 2000, 114 Stat. 2913.)

§ 1041b. Federal recognition, trust relationship, and program eligibility

(a) Federal recognition

The Federal recognition of the Tribe and the trust relationship between the United States and the Tribe are hereby reaffirmed. Except as otherwise provided in this subchapter, the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501 et seq.) (commonly known as the "Oklahoma Indian Welfare Act"), and all laws and rules of law of the United States of general application to Indians, Indian tribes, or Indian reservations which are not inconsistent with this subchapter shall apply to the Tribe, and to its members and lands. The Tribe is hereby recognized as an independent tribal entity, separate from the Cherokee Nation or any other Indian tribe.

(b) Program eligibility

(1) In general

Subject to the provisions of this subsection, the Tribe and its members are eligible for all special programs and services provided by the United States to Indians because of their status as Indians.

(2) Continuation of benefits

Except as provided in paragraph (3), the members of the Tribe who are residing on land recognized by the Secretary to be within the Cherokee Nation and eligible for Federal program services or benefits through the Cherokee Nation shall receive such services or benefits through the Cherokee Nation.

(3) Administration by Tribe

The Tribe shall be eligible to apply for and administer the special programs and services provided by the United States to Indians because of their status as Indians, including such programs and services within land recognized by the Secretary to be within the Cherokee Nation, in accordance with applicable laws and regulations to the same extent that the Cherokee Nation is eligible to apply for and administer programs and services, but only—

(A) if the Cherokee Nation consents to the operation by the Tribe of federally funded programs and services;

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

(C) if under applicable provisions of Federal law, the Cherokee Nation is not eligible to apply for and administer such programs or services.

(4) Duplication of services not allowed

The Tribe shall not be eligible to apply for or administer any Federal programs or serv-