

105TH CONGRESS
1ST SESSION

S. 545

To provide for the reorganization of the Bureau of Indian Affairs, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 1997

Mr. MCCAIN (for himself, Mr. DOMENICI, Mr. DORGAN, and Mr. THOMAS) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To provide for the reorganization of the Bureau of Indian
Affairs, 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,*

3 **SECTION 1. SHORT TITLE, PURPOSES, TABLE OF CON-**
4 **TENTS, AND DEFINITIONS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Bureau of Indian Affairs Reorganization Act of 1997”.

7 (b) PURPOSES.—The purposes of this Act are—

8 (1) to ensure the meaningful involvement of In-
9 dian tribes as full negotiation partners with the

1 United States in all efforts to reorganize and re-
 2 structure the Bureau of Indian Affairs; and

3 (2) to ensure the active participation by Indian
 4 tribes in the development of the budget requests for
 5 the Bureau of Indian Affairs and the Indian Health
 6 Services which are submitted to the President by the
 7 Secretary of the Interior and the Secretary of
 8 Health and Human Services for inclusion in the an-
 9 nual budget request submitted by the President to
 10 the Congress pursuant to section 1108 of title 31,
 11 United States Code.

12 (c) TABLE OF CONTENTS.—The table of contents for
 13 this Act is as follows:

Sec. 1. Short title, purposes, table of contents, and definitions.

TITLE I—REORGANIZATION COMPACTS

Sec. 101. Reorganization of area offices.
 Sec. 102. Reorganization of agency offices.
 Sec. 103. Reorganization of central office.
 Sec. 104. Authority to spend funds.
 Sec. 105. Savings provisions.
 Sec. 106. Additional conforming amendments.
 Sec. 107. Authorization of appropriations.
 Sec. 108. Effective date.
 Sec. 109. Separability.
 Sec. 110. Suspension of certain administrative actions.
 Sec. 111. Statutory construction.
 Sec. 112. Tribal authority recognized.
 Sec. 113. Renegotiation authority.
 Sec. 114. Disclosure of information.

TITLE II—AMENDMENT TO THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Sec. 201. Budget development.

TITLE III—REFORM OF THE REGULATIONS OF THE BUREAU OF INDIAN AFFAIRS

Sec. 301. BIA Manual.

Sec. 302. Task force.

Sec. 303. Authorization of appropriations.

1 (d) DEFINITIONS.—For purposes of this Act, the fol-
2 lowing definitions shall apply:

3 (1) AREA OFFICE.—The term “area office”
4 means 1 of the 12 area offices of the Bureau of In-
5 dian Affairs in existence on the date of enactment
6 of this Act.

7 (2) AREA OFFICE PLAN.—The term “area office
8 plan” means a plan for the reorganization of an area
9 office negotiated by the Secretary and Indian tribes
10 pursuant to section 101.

11 (3) AGENCY OFFICE.—The term “agency of-
12 fice” means an agency office of the Bureau of In-
13 dian Affairs in existence on the date of enactment
14 of this Act.

15 (4) AGENCY OFFICE PLAN.—The term “agency
16 office plan” means a plan for the reorganization of
17 an agency office negotiated by the Secretary and In-
18 dian tribes pursuant to section 102.

19 (5) BIA MANUAL.—The term “BIA Manual”
20 means the most recent edition of the Bureau of In-
21 dian Affairs Manual issued by the Department of
22 the Interior.

23 (6) BUREAU.—The term “Bureau” means the
24 Bureau of Indian Affairs.

1 (7) CENTRAL OFFICE.—The term “central of-
2 fice” means the Central Office of the Bureau, and
3 includes the offices of the Central Office that are
4 housed in Washington, D.C. and Albuquerque, New
5 Mexico.

6 (8) CENTRAL OFFICE PLAN.—The term
7 “central office plan” means the plan for the reorga-
8 nization of the central office negotiated by the Sec-
9 retary and Indian tribes pursuant to section 103.

10 (9) DEPARTMENT.—The term “Department”
11 means the Department of the Interior.

12 (10) DIRECTOR.—The term “Director” means,
13 with respect to an area office, the Director of the
14 area office.

15 (11) FUNCTION.—The term “function” means
16 any duty, obligation, power, authority, responsibility,
17 right, privilege, activity, or program.

18 (12) INDIAN TRIBE.—The term “Indian tribe”
19 has the same meaning as in section 4(e) of the In-
20 dian Self-Determination and Education Assistance
21 Act (25 U.S.C. 450b(e)).

22 (13) SECRETARY.—The term “Secretary”
23 means the Secretary of the Interior.

1 (14) SUPERINTENDENT.—The term “Super-
2 intendent” means the Superintendent of an agency
3 office.

4 (15) TRIBAL PRIORITY ALLOCATION AC-
5 COUNT.—The term “tribal priority allocation ac-
6 count” means an account so designated by the Bu-
7 reau, with respect to which program priorities and
8 funding levels are established by individual Indian
9 tribes.

10 (16) TRIBAL RECURRING BASE FUNDING.—The
11 term “tribal recurring base funding” means recur-
12 ring base funding (as defined and determined by the
13 Secretary) for the tribal priority allocation accounts
14 of an Indian tribe allocated to a tribe by the Bureau.

15 **TITLE I—REORGANIZATION** 16 **COMPACTS**

17 **SEC. 101. REORGANIZATION OF AREA OFFICES.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law—

20 (1) not later than 30 days after the date of en-
21 actment of this Act, the Secretary shall notify in
22 writing each Indian tribe served by an area office of
23 the time and place of the initial prenegotiation meet-
24 ing to establish a schedule for negotiations under
25 this subsection; and

1 (2) not later than 150 days after the date of
2 enactment of this Act, the Secretary shall conclude
3 negotiations with the Indian tribes served by each
4 area office on a reorganization plan for the area
5 office.

6 (b) CONTENTS OF AREA OFFICE PLANS.—

7 (1) IN GENERAL.—Each area office plan that is
8 prepared pursuant to this subsection shall provide
9 for the organization of the area office covered under
10 the plan. To the extent that a majority of the Indian
11 tribes served by the area office do not exercise the
12 option to maintain current organizational structures,
13 functions, or funding priorities pursuant to para-
14 graph (3), the reorganization plan shall provide,
15 with respect to the area office covered under the
16 plan, for—

17 (A) the reorganization of the administra-
18 tive structure of the area office;

19 (B) the reallocation of personnel (including
20 determinations of office size and functions);

21 (C) the delegation of authority of the Sec-
22 retary to the Director, Superintendents, or In-
23 dian tribes;

24 (D) transfers of functions;

25 (E) the specification of functions—

1 (i) retained by the Bureau; or

2 (ii) transferred to Indian tribes served
3 by the area office;

4 (F) the issuance of waivers or other au-
5 thorities by the Secretary so that functions and
6 other responsibilities of the Secretary may be
7 carried out by the area office or transferred to
8 Indian tribes;

9 (G) the promulgation of revised regulations
10 relating to the functions of the area office that
11 are performed by the area office or transferred
12 to Indian tribes;

13 (H) the reordering of funding priorities;
14 and

15 (I) a formula for the transfer, to the tribal
16 recurring base funding for each Indian tribe
17 served by the area office, of unexpended bal-
18 ances of appropriations and other Federal
19 funds made available to the area office in con-
20 nection with any function transferred to Indian
21 tribes pursuant to subparagraph (E)(ii).

22 (2) SHARE OF FUNDING.—An area office plan
23 shall include, for each Indian tribe served by the
24 area office, a negotiated determination of the share
25 of the funds used by the area office on an annual

1 basis that is used to support functions and services
 2 of the Indian tribe (in this subsection referred to as
 3 the “tribal share”).

4 (3) OPTION OF MAINTENANCE OF CURRENT
 5 STATUS.—At the option of a majority of the Indian
 6 tribes served by an area office, a reorganization plan
 7 may provide for the continuation of organizational
 8 structures, functions, or funding priorities of the
 9 area office that are substantially similar to those in
 10 effect at the time of the negotiation of the area of-
 11 fice plan.

12 (4) APPROVAL OF AREA OFFICE PLAN BY IN-
 13 DIAN TRIBES.—

14 (A) IN GENERAL.—On the date on which
 15 the negotiation of an area office plan is con-
 16 cluded, the Secretary shall submit the plan to
 17 the Indian tribes served by the area office for
 18 approval.

19 (B) EFFECT OF FAILURE OF INDIAN
 20 TRIBE TO APPROVE PLAN.—If an Indian tribe
 21 served by an area office fails to approve an area
 22 office plan by the date that is 60 days after the
 23 Secretary submits the plan pursuant to sub-
 24 paragraph (A) to the Indian tribes served by

1 that office, the plan shall be considered to have
2 been disapproved by that Indian tribe.

3 (C) REORGANIZATION COMPACT.—If, by
4 the date specified in subparagraph (B), a ma-
5 jority of the Indian tribes approve the area of-
6 fice plan by tribal resolution or other official act
7 of the governing body of each Indian tribe in-
8 volved, the Secretary shall enter into a reorga-
9 nization compact pursuant to subsection (c).

10 (5) SINGLE TRIBE AREA OFFICE.—Not later
11 than 30 days after the date of enactment of this
12 Act, the Secretary shall notify in writing an Indian
13 tribe that is served by an area office that serves only
14 that Indian tribe of the time and place of the initial
15 prenegotiation meeting to establish a schedule for
16 negotiations for an area office plan. If, by not later
17 than 60 days after the date of enactment of this
18 Act, an Indian tribe that is served by an area office
19 that serves only that Indian tribe notifies the Sec-
20 retary in writing that the Indian tribe elects to enter
21 into negotiations with the Secretary to prepare a re-
22 organization plan for the area office—

23 (A) not later than 150 days after the date
24 of enactment of this Act, the Secretary shall
25 conclude such negotiations; and

(B) if, by the date that is 60 days after the date specified in subparagraph (A), the Indian tribe approves the area office plan by tribal resolution or other official act of the governing body of the Indian tribe, the Secretary shall enter into a reorganization compact with the Indian tribe to carry out the area office plan.

(6) OPTION TO TAKE TRIBAL SHARE.—

(A) IN GENERAL.—If—

(i) by the date specified in paragraph (4)(B), a majority of the Indian tribes served by an area office fail to approve an area office plan, an Indian tribe may, not later than 60 days after the date specified in paragraph (4)(B), notify the Secretary in writing that the Indian tribe elects to receive directly the tribal share of the Indian tribe; or

(ii) by the date specified in paragraph (5)(B), the Indian tribe served by an area office fails to approve an area office plan, the Indian tribe may, not later than 60 days after the date specified in paragraph (5)(B), notify the Secretary in writing that

1 the Indian tribe elects to receive directly
2 the tribal share of the Indian tribe.

3 (B) AGREEMENT.—Not later than 30 days
4 after the date on which the Secretary receives
5 a notice under subparagraph (A), the Secretary
6 shall enter into an agreement with the Indian
7 tribe for the immediate and direct transfer to
8 the Indian tribe of an amount equal to the trib-
9 al share (after taking into account any residual
10 amount determined under clause (i)), or if the
11 agreement covers a period of less than 12
12 months, a prorated amount of the tribal share
13 (after taking into account any residual amount
14 determined under clause (i)). The agreement
15 shall include—

16 (i) a negotiated determination of the
17 amount, if any, of residual Federal funds
18 to be retained by the Secretary for the
19 area office that are minimally necessary to
20 carry out trustee and other functions of
21 the Federal Government that are not dele-
22 gable to the Indian tribes served by the
23 area office; and

24 (ii) a negotiated description of the re-
25 sponsibilities to be carried out by—

1 (I) the area office; and

2 (II) the Indian tribe.

3 (7) SELF-DETERMINATION AND SELF-GOVERN-
4 ANCE AUTHORITIES NOT AFFECTED.—If an Indian
5 tribe exercises the option to receive a tribal share of
6 funds in accordance with paragraph (6), the exercise
7 of that option may not be construed to limit or re-
8 strict any right of that tribe or any other tribe to
9 receive funds under title I or IV of the Indian Self-
10 Determination and Education Assistance Act (25
11 U.S.C. 450 et seq.), and funds received under that
12 Act may be included as part of the tribal share iden-
13 tified in paragraph (6).

14 (8) SECRETARIAL AUTHORITY.—If, by the date
15 specified in subsection (c), a majority of the Indian
16 tribes served by an area office fail to approve the
17 plan pursuant to paragraph (4), the organizational
18 structure, functions, and funding priorities of the
19 area office in effect at the time of the negotiation of
20 the area office plan shall be determined by the Sec-
21 retary, in consultation with the Indian tribes served
22 by that area office, and in a manner consistent with
23 the exercise by any Indian tribe of the option to re-
24 ceive directly the tribal share of the Indian tribe
25 under paragraph (6).

1 (c) AREA OFFICE REORGANIZATION COMPACTS.—

2 (1) IN GENERAL.—Not later than 30 days after
 3 the date on which a majority of the Indian tribes
 4 served by the area office that is the subject of a re-
 5 organization plan have approved the plan pursuant
 6 to subsection (b)(4), the Secretary shall enter into
 7 an area office reorganization compact with the In-
 8 dian tribes that have approved the plan to carry out
 9 that plan (in this subsection referred to as the “area
 10 office reorganization compact”).

11 (2) PROHIBITION AGAINST CERTAIN LIMITA-
 12 TIONS.—With respect to an Indian tribe that is not
 13 a party to an area office reorganization compact en-
 14 tered into by the Secretary under this subsection,
 15 nothing in this section may limit or reduce the level
 16 of any service or funding that the Indian tribe would
 17 otherwise receive pursuant to applicable Federal law
 18 (including title I or IV of the Indian Self-Determina-
 19 tion and Education Assistance Act (25 U.S.C. 450
 20 et seq.)).

21 **SEC. 102. REORGANIZATION OF AGENCY OFFICES.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
 23 sion of law—

24 (1) not later than 30 days after the date of en-
 25 actment of this Act, the Secretary shall notify each

1 Indian tribe in writing of the time and place of the
2 initial prenegotiation meeting to establish a schedule
3 for negotiations under this subsection; and

4 (2) not later than 150 days after the date of
5 enactment of this Act, the Secretary, acting through
6 the Superintendent (or a designee of the Super-
7 intendent) of each agency office, shall conclude nego-
8 tiations with the Indian tribes served by each agency
9 office on an agency office plan for each agency
10 office.

11 (b) CONTENTS OF AGENCY OFFICE PLANS.—

12 (1) IN GENERAL.—Each agency office plan that
13 is prepared by the Secretary pursuant to this sub-
14 section shall provide for the organization of the
15 agency office covered under the plan. To the extent
16 that a majority of the Indian tribes served by the
17 agency office do not exercise the option to maintain
18 current organizational structures, functions, or fund-
19 ing priorities pursuant to paragraph (3), the agency
20 office plan shall provide, with respect to the agency
21 office covered under the agency office plan, for—

22 (A) the reorganization of the administra-
23 tive structure of the agency office;

24 (B) the reallocation of personnel (including
25 determinations of office size and functions);

1 (C) the delegation of authority of the Sec-
2 retary to the Superintendent or Indian tribes;

3 (D) transfers of functions;

4 (E) the specification of functions—

5 (i) retained by the Bureau; or

6 (ii) transferred to Indian tribes served
7 by the agency office;

8 (F) the issuance of waivers or other au-
9 thorities by the Secretary so that functions and
10 other responsibilities of the Secretary may be
11 carried out by the agency office or transferred
12 to Indian tribes;

13 (G) the promulgation of revised regulations
14 relating to the functions of the agency office
15 that are carried by the agency office or trans-
16 ferred to Indian tribes;

17 (H) the reordering of funding priorities;
18 and

19 (I) a formula for the transfer, to the tribal
20 recurring base funding for each Indian tribe
21 served by the agency office, of unexpended bal-
22 ances of appropriations and other Federal
23 funds made available to the agency office in
24 connection with any function transferred to In-
25 dian tribes pursuant to subparagraph (E)(ii).

1 (2) SHARE OF FUNDING.—An agency office
 2 plan shall include, for each Indian tribe served by
 3 the agency office, a negotiated determination of the
 4 share of the Indian tribe of the funds used by the
 5 agency office on an annual basis that is used to sup-
 6 port functions and services of the Indian tribe (in
 7 this subsection referred to as the “tribal share”).

8 (3) OPTION OF MAINTENANCE OF CURRENT
 9 STATUS.—At the option of a majority of the Indian
 10 tribes served by an agency office, an agency office
 11 plan may provide for the continuation of organiza-
 12 tional structures, functions, or funding priorities of
 13 the agency office that are substantially similar to
 14 those in effect at the time of the development of the
 15 agency office plan.

16 (4) APPROVAL OF AGENCY OFFICE PLAN BY IN-
 17 DIAN TRIBES.—

18 (A) IN GENERAL.—On the date on which
 19 the negotiation of an agency office plan is con-
 20 cluded, the Secretary shall submit the agency
 21 office plan to the Indian tribes served by the
 22 agency office for approval.

23 (B) EFFECT OF FAILURE OF INDIAN
 24 TRIBE TO APPROVE PLAN.—If an Indian tribe
 25 served by an agency office fails to approve an

1 agency office plan by the date that is 60 days
2 after the Secretary submits the plan pursuant
3 to subparagraph (A) to the Indian tribes served
4 by that office, the plan shall be considered to
5 have been disapproved by that Indian tribe.

6 (C) REORGANIZATION COMPACT.—If, by
7 the date specified in subparagraph (B), a ma-
8 jority of the Indian tribes approve the agency
9 office plan by a tribal resolution or other offi-
10 cial act of the governing body of each Indian
11 tribe involved, the Secretary shall enter into a
12 reorganization compact pursuant to subsection
13 (c).

14 (5) SINGLE TRIBE AGENCY OFFICE.—Not later
15 than 30 days after the date of enactment of this
16 Act, the Secretary shall notify in writing an Indian
17 tribe that is served by an agency office that serves
18 only that Indian tribe of the time and place of the
19 initial prenegotiation meeting to establish a schedule
20 for negotiations for an agency office plan. If, by not
21 later than 60 days after the date of enactment of
22 this Act, an Indian tribe that is served by an agency
23 office that serves only that Indian tribe notifies the
24 Secretary in writing that the Indian tribe elects to

1 enter into negotiations with the Secretary to prepare
2 a reorganization plan for the agency office—

3 (A) not later than 150 days after the date
4 of enactment of this Act, the Secretary shall
5 conclude such negotiations; and

6 (B) if, by the date that is 60 days after
7 the date specified in subparagraph (A), the In-
8 dian tribe approves the agency office plan by
9 tribal resolution or other official act of the gov-
10 erning body of the Indian tribe, the Secretary
11 shall enter into a reorganization compact with
12 the Indian tribe to carry out the area office
13 plan.

14 (6) OPTION TO TAKE TRIBAL SHARE.—

15 (A) IN GENERAL.—If—

16 (i) by the date specified in paragraph
17 (4)(B), a majority of the Indian tribes
18 served by an agency office fail to approve
19 an agency office plan, an Indian tribe may,
20 not later than 60 days after the date speci-
21 fied in paragraph (4)(B), notify the Sec-
22 retary in writing that the Indian tribe
23 elects to receive directly the tribal share of
24 the Indian tribe; or

(ii) by the date specified in paragraph (5)(B), the Indian tribe served by an agency office fails to approve an agency office plan, the Indian tribe may, not later than 60 days after the date specified in paragraph (5)(B), notify the Secretary in writing that the Indian tribe elects to receive directly the tribal share of the Indian tribe.

(B) AGREEMENT.—Not later than 30 days after the date on which the Secretary receives a notice under subparagraph (A), the Secretary shall enter into an agreement with the Indian tribe for the immediate and direct transfer to the Indian tribe of an amount equal to the tribal share (after taking into account any residual amount under clause (i)), or if the agreement covers a period of less than 12 months, a prorated amount of the tribal share (after taking into account any residual amount under clause (i)). The agreement shall include—

(i) a negotiated determination of the amount, if any, of residual Federal funds to be retained by the Secretary for the agency office that are minimally necessary to carry out trustee and other functions of

the Federal Government that are not delegable to the Indian tribes served by the agency office; and

(ii) a negotiated description of the responsibilities to be carried out by—

(I) the agency office; and

(II) the Indian tribe.

(7) SELF-DETERMINATION AND SELF-GOVERNANCE AUTHORITIES NOT AFFECTED.—If an Indian tribe exercises the option to receive a tribal share of funds in accordance with paragraph (6), the exercise of that option may not be construed to limit or restrict any right of that tribe or any other tribe to receive funds under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and funds received under that Act may be included as part of the tribal share identified in paragraph (6).

(8) SECRETARIAL AUTHORITY.—If, by the date specified in subsection (c), a majority of the Indian tribes served by an agency office fail to approve the plan pursuant to paragraph (4), the organizational structure, functions, and funding priorities of the agency office in effect at the time of the negotiation of the agency office plan shall be determined by the

1 Secretary, in consultation with the Indian tribes
2 served by that agency office, and in a manner con-
3 sistent with the exercise by any Indian tribe of the
4 option to receive directly the tribal share of the In-
5 dian tribe under paragraph (6).

6 (c) AGENCY OFFICE REORGANIZATION COMPACTS.—

7 (1) IN GENERAL.—Not later than 30 days after
8 the date on which a majority of the Indian tribes
9 served by an agency office that is the subject of an
10 agency office plan have approved that plan pursuant
11 to subsection (b)(4), the Secretary shall enter into a
12 reorganization compact with the Indian tribes to
13 carry out the agency office plan (in this subsection
14 referred to as the “agency office reorganization com-
15 pact”).

16 (2) PROHIBITION AGAINST CERTAIN LIMITA-
17 TIONS.—With respect to an Indian tribe that is not
18 a party to an agency office reorganization compact
19 entered into under this subsection, nothing in this
20 section may limit or reduce the level of any service
21 or funding that the Indian tribe would otherwise re-
22 ceive pursuant to applicable Federal law (including
23 title I or IV of the Indian Self-Determination and
24 Education Assistance Act (25 U.S.C. 450 et seq.)).

1 **SEC. 103. REORGANIZATION OF CENTRAL OFFICE.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law—

4 (1) not later than 30 days after the date of en-
5 actment of this Act, the Secretary shall notify in
6 writing each Indian tribe of the time and place of
7 the initial prenegotiation meeting to establish a
8 schedule for negotiations under this subsection; and

9 (2) not later than 150 days after the date of
10 enactment of this Act, the Secretary shall conclude
11 negotiations with Indian tribes on a reorganization
12 plan for the central office. The Secretary shall nego-
13 tiate on an area-by-area basis with a representative
14 from each of the Indian tribes in each area, to deter-
15 mine the appropriate allocation of personnel and
16 funding made available to the central office to serve
17 the area and agency offices and Indian tribes in
18 each area office.

19 (b) CONTENT OF CENTRAL OFFICE PLAN.—

20 (1) IN GENERAL.—The central office plan shall
21 provide for determinations on the basis of the nego-
22 tiations described in subsection (a) concerning—

23 (A) which portion of the funds made avail-
24 able to the Secretary for the central office
25 shall—

(i) be used to support the area and agency offices in each area; or

(ii) be considered funds that may be transferred directly to Indian tribes in each area pursuant to a formula developed pursuant to paragraph (2)(J); and

(B) the allocation of the personnel of the central office to provide support to the area and agency offices.

(2) REALLOCATION OF FUNDS AND PERSONNEL.—In developing the central office plan, to the extent that the Secretary and the Indian tribes do not exercise the option to maintain current organizational structures, functions, or funding priorities, the central office plan shall provide, to the extent necessary to accommodate the determinations made under paragraph (1), for—

(A) the reorganization of the administrative structure of the central office;

(B) the reallocation of personnel (including determinations of office size and functions);

(C) the delegation of authority of the Secretary carried out through the central office to the Directors, Superintendents, or Indian tribes;

1 (D) transfers of functions;

2 (E) the specification of functions—

3 (i) retained by the central office; or

4 (ii) transferred to area offices, agency
5 offices or Indian tribes;

6 (F) the issuance of waivers or other au-
7 thorities by the Secretary so that functions and
8 other responsibilities of the Secretary may be
9 carried out by the central office or transferred
10 to area offices, agency offices, or Indian tribes;

11 (G) the promulgation of revised regulations
12 relating to the functions of the central office
13 that are carried by the central office or trans-
14 ferred to area offices, agency offices, or Indian
15 tribes;

16 (H) the reordering of funding priorities;

17 (I) allocation formulas to provide for the
18 remaining services to be provided to the area
19 and agency offices and Indian tribes by the
20 central office; and

21 (J) with respect to the transfer of funds to
22 the area and agency offices and Indian tribes in
23 each area, a formula, negotiated with the tribal
24 representatives identified in subsection (a), for
25 the transfer to the Indian tribes of all or a por-

1 tion of the funds described in paragraph
2 (1)(A)(ii).

3 (3) SHARE OF FUNDING.—The central office
4 plan shall include, for each Indian tribe, a nego-
5 tiated determination of the share of the Indian tribe
6 (in this subsection referred to as the “tribal share”)
7 of the funds used by the central office on an annual
8 basis (after any funds identified in paragraph
9 (1)(A)(ii) have been allocated directly to Indian
10 tribes) to support functions and services of the In-
11 dian tribe and to provide the personnel and services
12 identified in subsection (a) to serve the Indian tribe.

13 (4) OPTION TO TAKE TRIBAL SHARE.—

14 (A) IN GENERAL.—An Indian tribe may,
15 not later than 60 days after the date specified
16 in subsection (c), notify the Secretary in writing
17 that the Indian tribe elects to receive directly
18 the tribal share for that Indian tribe deter-
19 mined under paragraph (3) if that Indian
20 tribe—

21 (i) receives a tribal share of an area
22 office under section 101(b) and also re-
23 ceives a tribal share of an agency office
24 under section 102(b); or

1 (ii) receives a share pursuant to title
2 I or IV of the Indian Self-Determination
3 and Education Assistance Act (25 U.S.C.
4 450 et seq.).

5 (B) AGREEMENT.—Not later than 30 days
6 after the date on which an Indian tribe provides
7 written notification to the Secretary under sub-
8 paragraph (A), the Secretary shall enter into an
9 agreement with the Indian tribe for the imme-
10 diate and direct transfer to the Indian tribe of
11 an amount equal to the tribal share (taking into
12 account any residual amount determined under
13 clause (i)), or if the period covered by the
14 agreement is less than 12 months, a prorated
15 amount of the tribal share (taking into account
16 any residual amount determined under clause
17 (i)). The agreement shall include—

18 (i) a negotiated determination of the
19 amount of residual Federal funds to be re-
20 tained by the Secretary for the central of-
21 fice that are minimally necessary to carry
22 out trustee and other functions of the Fed-
23 eral Government that are not delegable to
24 the Indian tribes served by the central of-
25 fice; and

1 (ii) a negotiated description of the re-
 2 sponsibilities to be carried out by—

3 (I) the central office; and

4 (II) the Indian tribe.

5 (5) SELF-DETERMINATION AND SELF-GOVERN-
 6 ANCE AUTHORITIES NOT AFFECTED.—If an Indian
 7 tribe exercises the option to receive a tribal share of
 8 funds in accordance with paragraph (4), the exercise
 9 of that option may not be construed to limit or re-
 10 strict any right of that tribe or any other tribe to
 11 receive funds under title I or IV of the Indian Self-
 12 Determination and Education Assistance Act (25
 13 U.S.C. 450 et seq.), and funds received under that
 14 Act may be included as part of the tribal share iden-
 15 tified in paragraph (4).

16 (c) CENTRAL OFFICE REORGANIZATION COM-
 17 PACTS.—

18 (1) IN GENERAL.—Not later than 90 days after
 19 the Secretary has concluded a negotiation of a
 20 central office plan pursuant to subsection (a), the
 21 Secretary shall, for each area office, enter into a
 22 central office reorganization compact with the Indian
 23 tribes in that area to implement the central office
 24 plan (in this subsection referred to as the “central
 25 office reorganization compact”). The Secretary may

1 not implement the component of a central office plan
2 relating to an area until such time as a majority of
3 the Indian tribes in that area have entered into a
4 central office reorganization compact. If a majority
5 of the Indian tribes in an area do not enter into a
6 central office reorganization compact with the Sec-
7 retary pursuant to this paragraph, the organiza-
8 tional structure, functions, and funding priorities of
9 the central office relating to the area and agency of-
10 fices and Indian tribes in that area and in effect at
11 the time of the negotiation of the central office plan
12 shall be determined by the Secretary, in consultation
13 with the Indian tribes served by each area office,
14 and in a manner that is consistent with the exercise
15 by any Indian tribe of the option to receive directly
16 the tribal share of the Indian tribe under subsection
17 (b)(4).

18 (2) COORDINATION WITH AREA AND AGENCY
19 OFFICE PLANS.—Each central office reorganization
20 compact entered into by the Secretary under this
21 subsection shall specify that in the event the Sec-
22 retary determines that a central office reorganiza-
23 tion compact is inconsistent with a related area of-
24 fice reorganization compact entered into under sec-
25 tion 101(c) or a related agency office reorganization

1 compact entered into under section 102(c), the Sec-
2 retary, in negotiation with the Indian tribes that are
3 parties to the central office reorganization compact,
4 shall amend the compact to make such modifications
5 as are necessary to ensure consistency with the ap-
6 plicable area or agency office plan.

7 **SEC. 104. AUTHORITY TO SPEND FUNDS.**

8 Each Indian tribe that receives funds under this title
9 shall administer and expend those funds in a manner con-
10 sistent with the authorities provided to Indian tribes under
11 the Indian Self-Determination and Education Assistance
12 Act (25 U.S.C. 450 et seq.).

13 **SEC. 105. SAVINGS PROVISIONS.**

14 (a) IN GENERAL.—Notwithstanding any other provi-
15 sion of this title, all orders, determinations, rules, regula-
16 tions, permits, agreements, grants, contracts, certificates,
17 licenses, registrations, privileges, and other administrative
18 actions—

19 (1) that have been issued, made, granted, or al-
20 lowed to become effective by the President, any Fed-
21 eral agency or official thereof, or by a court of com-
22 petent jurisdiction, in the performance of any func-
23 tion that is transferred to Indian tribes pursuant to
24 a reorganization compact that the Secretary enters
25 into pursuant to section 101, 102, or 103; and

1 (2) that are in effect on the effective date of the
2 reorganization compact, or were final before the ef-
3 fective date of the reorganization compact and are to
4 become effective on or after such date;
5 shall continue in effect according to their terms until
6 modified, terminated, superseded, set aside, or revoked in
7 accordance with law by the President, the Secretary, or
8 other authorized official, a court of competent jurisdiction,
9 or by operation of law.

10 (b) PROCEEDINGS NOT AFFECTED.—

11 (1) IN GENERAL.—The provisions of a reorga-
12 nization compact that the Secretary enters into pur-
13 suant to section 101, 102, or 103 shall not affect
14 any proceedings, including notices of proposed rule-
15 making, or any application for any license, permit,
16 certificate, or financial assistance pending before the
17 Bureau at the time the reorganization compact takes
18 effect, with respect to the functions transferred by
19 the reorganization compact.

20 (2) CONTINUATION OF PROCEEDINGS.—The
21 proceedings and applications referred to in para-
22 graph (1) shall be continued. Orders shall be issued
23 in such proceedings, appeals shall be taken from
24 such orders, and payments shall be made pursuant
25 to such orders, as if the compact had not been en-

1 tered into, and orders issued in any such proceed-
2 ings shall continue in effect until modified, termi-
3 nated, superseded, or revoked by a duly authorized
4 official, by a court of competent jurisdiction, or by
5 operation of law.

6 (3) STATUTORY CONSTRUCTION.—Nothing in
7 this subsection shall be deemed to prohibit the dis-
8 continuance or modification of any such proceeding
9 under the same terms and conditions and to the
10 same extent that such proceeding could have been
11 discontinued or modified if this title had not been
12 enacted.

13 (c) NONABATEMENT OF ACTIONS.—No suit, action,
14 or other proceeding commenced by or against the Bureau
15 or by or against any individual in the official capacity of
16 such individual as an officer of the Bureau shall abate by
17 reason of the enactment of this title.

18 **SEC. 106. ADDITIONAL CONFORMING AMENDMENTS.**

19 (a) RECOMMENDED LEGISLATION.—After consulta-
20 tion with Indian tribes and the appropriate committees of
21 the Congress, the Secretary shall prepare and submit to
22 the Congress appropriate recommendations for legislation
23 containing technical and conforming amendments to re-
24 flect the changes made pursuant to this title.

1 (b) SUBMISSION TO THE CONGRESS.—Not later than
2 120 days after the effective date of this title, the Secretary
3 shall submit to the Congress the recommended legislation
4 referred to in subsection (a).

5 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated such sums
7 as may be necessary to carry out this title.

8 **SEC. 108. EFFECTIVE DATE.**

9 This title shall take effect on the date of enactment
10 of this Act.

11 **SEC. 109. SEPARABILITY.**

12 If a provision of this title or its application to any
13 person or circumstance is held invalid, neither the remain-
14 der of this title nor the application of the provision to
15 other persons or circumstances shall be affected.

16 **SEC. 110. SUSPENSION OF CERTAIN ADMINISTRATIVE AC-**
17 **TIONS.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, during the 2-year period beginning on the date
20 of enactment of this Act, the Secretary shall suspend the
21 implementation of all administrative activities that affect
22 the Bureau associated with reinventing government, na-
23 tional performance review, or other down sizing initiatives
24 of the executive branch of the Federal Government.

1 (b) CONSIDERATION OF COMPACTS.—During the pe-
 2 riod specified in subsection (a), the reorganization com-
 3 pacts entered into under this title shall be deemed to sat-
 4 isfy the goals of the initiatives referred to in subsection
 5 (a).

6 **SEC. 111. STATUTORY CONSTRUCTION.**

7 Nothing in this title may be construed to alter or di-
 8 minish the Federal trust responsibility to Indian tribes,
 9 individual Indians, or Indians with trust allotments.

10 **SEC. 112. TRIBAL AUTHORITY RECOGNIZED.**

11 Nothing in this title may be construed to prohibit or
 12 limit the capacity of 2 or more Indian tribes to authorize,
 13 by tribal resolution or other official act of the governing
 14 body of each Indian tribe involved, a group of Indian
 15 tribes to exercise any authority granted to an Indian tribe
 16 under this title, except that the approval of an area office
 17 or agency office reorganization plan under sections
 18 101(b)(4) and 102(b)(4), and the entering into a central
 19 office reorganization compact under section 103(c)(1),
 20 shall be authorized by the separate tribal resolution or
 21 other official act of the governing body of each Indian
 22 tribe involved.

23 **SEC. 113. RENEGOTIATION AUTHORITY.**

24 The Indian tribes served by an agency or area office
 25 may annually exercise any authorities that the Indian

1 tribes are authorized to exercise under this title during
2 any calendar year that begins after the date of enactment
3 of this Act, including authorities relating to the negotia-
4 tion of reorganization plans and the election to receive
5 tribal shares. In any case in which an Indian tribe exer-
6 cises an authority pursuant to the preceding sentence, the
7 timeframes set forth in this title shall be calculated from
8 the annual anniversary date of the date of enactment of
9 this Act.

10 **SEC. 114. DISCLOSURE OF INFORMATION.**

11 (a) IN GENERAL.—Upon entering into negotiations
12 required under sections 101, 102, and 103, and in a timely
13 manner throughout that negotiation process, the Secretary
14 shall provide to Indian tribes the budgetary, structural,
15 administrative, and legal information that is necessary for
16 the negotiated reorganization of the agency offices, area
17 offices, and central office.

18 (b) TECHNICAL ASSISTANCE.—Upon the request of
19 an Indian tribe, the Secretary shall provide such technical
20 assistance as may be required to interpret the information
21 provided under subsection (a).

1 **TITLE II—AMENDMENT TO THE**
 2 **INDIAN SELF-DETERMINA-**
 3 **TION AND EDUCATION AS-**
 4 **SISTANCE ACT**

5 **SEC. 201. BUDGET DEVELOPMENT.**

6 The Indian Self-Determination and Education Assist-
 7 ance Act (25 U.S.C. 450 et seq.) is amended by adding
 8 at the end the following new title:

9 **“TITLE V—BUDGET**
 10 **DEVELOPMENT**

11 **“SEC. 501. PARTICIPATION OF INDIAN TRIBES IN THE DE-**
 12 **VELOPMENT OF BUDGET REQUESTS.**

13 “(a) BUDGET REQUESTS FOR THE BUREAU OF IN-
 14 DIAN AFFAIRS.—Notwithstanding any other provision of
 15 law, not later than 120 days after the date of enactment
 16 of this title, the Secretary of the Interior shall establish
 17 a program—

18 “(1) to provide information to Indian tribes
 19 concerning the development of budget requests for
 20 the Bureau of Indian Affairs that are submitted to
 21 the President by the Secretary of the Interior for in-
 22 clusion in the annual budget of the President sub-
 23 mitted to the Congress pursuant to section 1108 of
 24 title 31, United States Code; and

1 “(2) to ensure, to the maximum extent prac-
2 ticable, the participation by each Indian tribe in the
3 development of the budget requests referred to in
4 paragraph (1).

5 “(b) BUDGET REQUESTS FOR THE INDIAN HEALTH
6 SERVICE.—Notwithstanding any other provision of law,
7 not later than 120 days after the date of enactment of
8 this title, the Secretary of Health and Human Services
9 shall establish a program—

10 “(1) to provide information to Indian tribes
11 concerning the development of budget requests by
12 the Secretary of Health and Human Services for the
13 Indian Health Service that are submitted to the
14 President by the Secretary of Health and Human
15 Services for inclusion in the annual budget referred
16 to in subsection (a)(1); and

17 “(2) to ensure, to the maximum extent prac-
18 ticable, the participation by each Indian tribe in the
19 development of the budget requests referred to in
20 paragraph (1).

21 “(c) REQUIREMENTS FOR PROGRAMS.—

22 “(1) IN GENERAL.—Each program established
23 under this section shall, to the maximum extent
24 practicable—

25 “(A) provide for the estimation of—

1 “(i) the funds authorized to be appro-
2 priated on an annual basis for the benefit
3 of Indian tribes; and

4 “(ii) for each Indian tribe, the portion
5 of the funds described in clause (i) that
6 will be provided for the benefit of the In-
7 dian tribe;

8 “(B) provide, for each Indian tribe—

9 “(i) the opportunity to establish prior-
10 ities for using the estimated funds de-
11 scribed in subparagraph (A)(ii); and

12 “(ii) the authority and flexibility to
13 design tribal and Federal programs that
14 receive Federal funds to best meet the
15 needs of the community served by the In-
16 dian tribe; and

17 “(C) provide for the collection and dissemi-
18 nation of information that is necessary for ef-
19 fective planning, evaluation, and reporting by
20 the Secretary of the Interior or the Secretary of
21 Health and Human Services and Indian tribes
22 concerning the comparative social and public
23 health conditions of Indian communities (as de-
24 fined and determined by the Secretary of the
25 Interior and the Secretary of Health and

1 Human Services) at local, regional, and na-
2 tional levels.

3 “(2) DUTIES OF THE SECRETARIES.—In carry-
4 ing out the programs established under this section,
5 the Secretary of the Interior and the Secretary of
6 Health and Human Services shall—

7 “(A) use any information provided by In-
8 dian tribes concerning the priorities referred to
9 in paragraph (1)(B);

10 “(B) support the creation of stable recur-
11 ring base funding (as defined and determined
12 by each such Secretary) for each Indian tribe;

13 “(C) seek to maintain stability in the plan-
14 ning and allocation of the amounts provided for
15 in the budget of the Bureau of Indian Affairs
16 and the Indian Health Service for Indian tribes;
17 and

18 “(D) assess the Federal programs or as-
19 sistance provided to each Indian tribe to deter-
20 mine—

21 “(i) the relative need for providing
22 Federal funds to carry out each such pro-
23 gram; and

1 “(ii) the amount of recurring base
 2 funding available to each Indian tribe to
 3 carry out each such program.

4 “(3) CONTRACTS, GRANTS, AND ANNUAL FUND-
 5 ING AGREEMENTS.—To provide, to the maximum ex-
 6 tent practicable, for the full participation by the gov-
 7 erning bodies of Indian tribes on an effective govern-
 8 ment-to-government basis in carrying out the collec-
 9 tion and sharing of information under this section,
 10 the Secretary of the Interior or the Secretary of
 11 Health and Human Services may—

12 “(A) enter into a self-determination con-
 13 tract with an Indian tribe or make a grant to
 14 an Indian tribe pursuant to section 102 or 103;

15 “(B) with respect to the Secretary of
 16 Health and Human Services, enter into a fund-
 17 ing agreement with a participating Indian tribe
 18 pursuant to title III; and

19 “(C) with respect to the Secretary of the
 20 Interior, enter into a funding agreement with a
 21 participating Indian tribe pursuant to title IV.

22 **“SEC. 502. ASSESSMENT METHODOLOGY.**

23 “(a) IN GENERAL.—Not later than 180 days after
 24 the date of enactment of this title, the Secretary shall,
 25 in cooperation with Indian tribes, and in accordance with

1 the negotiated rulemaking procedures under subchapter
 2 III of chapter 5 of title 5, United States Code (as in effect
 3 on the date of enactment of this title), promulgate stand-
 4 ardized assessment methodologies to be used in carrying
 5 out any budget determination for the Bureau concerning
 6 the levels of funding that are necessary to fund each pro-
 7 gram area (as defined and determined by the Secretary)
 8 of the Bureau.

9 “(b) PARTICIPATION BY INDIAN TRIBES.—In carry-
 10 ing out subsection (a), the Secretary shall take such action
 11 as may be necessary to ensure, to the maximum extent
 12 practicable, the direct and active participation of Indian
 13 tribes at the local, regional, and national levels in the ne-
 14 gotiated rulemaking process specified in subchapter III of
 15 chapter 5 of title 5, United States Code.

16 “(c) COMMITTEE.—

17 “(1) COMPOSITION.—The negotiated rule-
 18 making committee established pursuant to the re-
 19 quirements of section 565 of title 5, United States
 20 Code (as in effect on the date of enactment of this
 21 title), to carry out subsection (a) shall only be com-
 22 prised of—

23 “(A) individuals who represent the Federal
 24 Government; and

1 “(B) individuals who represent Indian
2 tribes.

3 “(2) REPRESENTATION BY INDIAN TRIBES.—A
4 majority of the members of the committee referred
5 to in paragraph (1) shall be individuals who rep-
6 resent Indian tribes.

7 “(d) ADAPTATION OF PROCEDURES.—The Secretary
8 shall adapt the negotiated rulemaking procedures carried
9 out under this section in the same manner as the Sec-
10 retary adapts, in accordance with section 407(c), the pro-
11 cedures carried out pursuant to section 407.

12 **“SEC. 503. REPORTS TO THE CONGRESS.**

13 ““At the earliest practicable date after the date of pro-
14 mulgation of the regulations under section 502 on which
15 the Secretary of the Interior submits a budget request to
16 the President for inclusion in the annual budget of the
17 President submitted to the Congress pursuant to section
18 1108 of title 31, United States Code, and annually there-
19 after, the Secretary shall prepare and submit to the Presi-
20 dent for inclusion in the annual budget submitted to the
21 Congress, a report that—

22 “(1) describes the standardized methodologies
23 that are the subject of the regulations promulgated
24 pursuant to section 502; and

25 “(2) includes—

1 “(A) for each program area of the Bureau
 2 of Indian Affairs, an assessment of the level of
 3 funding that is necessary to fund the program
 4 area; and

5 “(B) for each Indian tribe served by a pro-
 6 gram area referred to in paragraph (2)—

7 “(i) an assessment of the level of
 8 funding that is necessary for each Indian
 9 tribe served by the program area;

10 “(ii) the total amount of funding nec-
 11 essary to cover all program areas with re-
 12 spect to which the tribe receives services
 13 (as determined by taking the aggregate of
 14 the applicable amounts determined under
 15 paragraph (3)); and

16 “(iii) a breakdown, for each program
 17 area with respect to which the Indian tribe
 18 receives service, of the amount determined
 19 under clause (ii).

20 **“SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

21 “‘There are authorized to be appropriated such sums
 22 as may be necessary to carry out this title.’”.

1 **TITLE III—REFORM OF THE REG-**
2 **ULATIONS OF THE BUREAU**
3 **OF INDIAN AFFAIRS**

4 **SEC. 301. BIA MANUAL.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of enactment of this Act, the Secretary shall—

7 (1) conduct a review of all provisions of the
8 BIA Manual;

9 (2) promulgate as proposed regulations those
10 provisions of the BIA Manual that the Secretary
11 deems necessary for the efficient implementation of
12 the Federal functions retained by the Bureau under
13 the reorganization compacts authorized by this Act;
14 and

15 (3) revoke all provisions of the BIA Manual
16 that are not promulgated as proposed regulations
17 under paragraph (2).

18 (b) CONSULTATION WITH INDIAN TRIBES.—In car-
19 rying out subsection (a), the Secretary shall, to the maxi-
20 mum extent practicable, consult with Indian tribes in such
21 manner as to provide for the full participation of Indian
22 tribes.

23 **SEC. 302. TASK FORCE.**

24 (a) ESTABLISHMENT OF TASK FORCE.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of enactment of this Act, the Secretary
3 shall establish a task force on regulatory reform
4 (hereafter in this section referred to as the “task
5 force”).

6 (2) DUTIES.—The task force shall—

7 (A) review the regulations under title 25,
8 Code of Federal Regulations; and

9 (B) make recommendations concerning the
10 revision of the regulations.

11 (3) MEMBERSHIP.—The task force shall be
12 composed of 16 members, appointed by the Sec-
13 retary, including 12 members who are representa-
14 tives of Indian tribes from each of the 12 areas
15 served by area offices.

16 (4) INITIAL MEETING.—Not later than 60 days
17 after the date on which all members of the task
18 force have been appointed, the task force shall hold
19 its first meeting.

20 (5) MEETINGS.—The task force shall meet at
21 the call of the Chairperson.

22 (6) QUORUM.—A majority of the members of
23 the task force shall constitute a quorum, but a lesser
24 number of members may hold hearings.

1 (7) CHAIRPERSON.—The task force shall select
2 a Chairperson from among its members.

3 (b) REPORTS.—

4 (1) REPORTS TO SECRETARY.—The task force
5 shall submit to the Secretary such reports as the
6 Secretary determines to be appropriate.

7 (2) REPORT TO THE CONGRESS AND TO INDIAN
8 TRIBES.—In addition to submitting the reports de-
9 scribed in paragraph (1), not later than 120 days
10 after its initial meeting, the task force shall prepare,
11 and submit to the Congress and to the governing
12 body of each Indian tribe, a report that includes—

13 (A) the findings of the task force concern-
14 ing the review conducted pursuant to subsection
15 (a)(2)(A); and

16 (B) the recommendations described in sub-
17 section (a)(2)(B).

18 (c) POWERS OF THE TASK FORCE.—

19 (1) HEARINGS.—The task force may hold such
20 hearings, sit and act at such times and places, take
21 such testimony, and receive such evidence as the
22 task force considers advisable to carry out the duties
23 of the task force specified in subsection (a)(2).

24 (2) INFORMATION FROM FEDERAL AGENCIES.—

25 The task force may secure directly from any Federal

1 department or agency such information as the task
2 force considers necessary to carry out the duties of
3 the task force specified in subsection (a)(2).

4 (3) POSTAL SERVICES.—The task force may
5 use the United States mails in the same manner and
6 under the same conditions as other departments and
7 agencies of the Federal Government.

8 (4) GIFTS.—The task force may accept, use,
9 and dispose of gifts or donations of services or prop-
10 erty.

11 (d) TASK FORCE PERSONNEL MATTERS.—

12 (1) COMPENSATION OF MEMBERS.—Members of
13 the task force who are not officers or employees of
14 the Federal Government shall serve without com-
15 pensation, except for travel expenses, as provided
16 under paragraph (2). Members of the task force who
17 are officers or employees of the United States shall
18 serve without compensation in addition to that re-
19 ceived for their services as officers or employees of
20 the United States.

21 (2) TRAVEL EXPENSES.—The members of the
22 task force shall be allowed travel expenses, including
23 per diem in lieu of subsistence, at rates authorized
24 for employees of agencies under subchapter I of
25 chapter 57 of title 5, United States Code, while

1 away from their homes or regular places of business
2 in the performance of services for the task force.

3 (3) STAFF.—

4 (A) IN GENERAL.—The Chairperson of the
5 task force may, without regard to the civil serv-
6 ice laws, appoint and terminate such personnel
7 as may be necessary to enable the task force to
8 perform its duties.

9 (B) PROCUREMENT OF TEMPORARY AND
10 INTERMITTENT SERVICES.—The Chairperson of
11 the task force may procure temporary and
12 intermittent service under section 3109(b) of
13 title 5, United States Code, at rates for individ-
14 uals that do not exceed the daily equivalent of
15 the annual rate of basic pay prescribed under
16 GS–13 of the General Schedule established
17 under section 5332 of title 5, United States
18 Code.

19 (e) TERMINATION OF TASK FORCE.—The task force
20 shall terminate 30 days after the date on which the task
21 force submits its reports to the Congress and to Indian
22 tribes under subsection (b)(2).

23 (f) EXEMPTION FROM FEDERAL ADVISORY COMMIT-
24 TEE ACT.—All of the activities of the task force conducted

1 under this title shall be exempt from the Federal Advisory
2 Committee Act (5 U.S.C. App.).

3 (g) PROHIBITION.—Beginning on the date of enact-
4 ment of this Act, no provision of any internal manual or
5 handbook or other written procedure purporting to govern
6 the conduct of the Department in relation to Indian tribes
7 shall be binding upon any Indian tribe unless that provi-
8 sion has been promulgated as a final regulation in accord-
9 ance with applicable Federal law.

10 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums
12 as may be necessary to carry out this title.

○