

113TH CONGRESS
2D SESSION

H. R. 5092

To amend the Indian Self-Determination and Education Assistance Act to expedite civil actions, claims, and appeals under that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2014

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Indian Self-Determination and Education Assistance Act to expedite civil actions, claims, and appeals under that Act, 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.**

4 This Act may be cited as the “Fair and Accountable
5 IHS Recompense Act of 2014” or the “FAIR Act”.

6 **SEC. 2. DEFICIENCY REPORTS AVAILABLE TO THE PUBLIC.**

7 Section 106(c) of the Indian Self-Determination and
8 Education Assistance Act (25 U.S.C. 450j–1(c)) is amend-
9 ed by inserting “On and after May 1 of each year, the

1 report prepared under this subsection for submission by
 2 May 15 of that year shall be available to the public and
 3 shall not be subject to an exemption under section 552(b)
 4 of title 5, United States Code.” before “Such report shall
 5 include”.

6 **SEC. 3. PRESUMPTION OF ACCURACY OF DEFICIENCY RE-**
 7 **PORT AMOUNTS.**

8 Section 110 of the Indian Self-Determination and
 9 Education Assistance Act (25 U.S.C. 450m–1) is amended
 10 by adding at the end the following:

11 “(f) PRESUMPTION OF ACCURACY OF DEFICIENCY
 12 REPORT AMOUNTS.—In any civil action, claim, or related
 13 appeal brought under this section, it shall be presumed,
 14 in the absence of fraud or mathematical error, that the
 15 deficiency amounts reported to Congress under section
 16 106(c)(2) accurately reflect the minimum damages due to
 17 any Indian tribe or tribal organization upon whose behalf
 18 the civil action, claim, or appeal was filed.

19 “(g) ATTORNEY FEES.—None of the funds awarded
 20 in a civil action, claim, or related appeal brought under
 21 this section shall be allocated for or used to pay attorney
 22 fees unless—

23 “(1) all attorney fees for services directly asso-
 24 ciated with the civil action, claim, or related appeal,
 25 are—

1 “(A) documented; and

2 “(B) charged at reasonable hourly rates;

3 and

4 “(2) the documentation required under para-
5 graph (1)(A) has been made available to—

6 “(A) the Natural Resources Committee of
7 the House of Representatives;

8 “(B) the Indian Affairs Committee of the
9 Senate; and

10 “(C) the public.

11 “(h) LIABILITY; LIMITATION.—Any Indian tribe or
12 tribal organization upon whose behalf a civil action, claim,
13 or related appeal was filed under this section shall not be
14 held liable for paying any attorney fees for services di-
15 rectly associated with the civil action, claim, or related ap-
16 peal if the attorney fees do not meet the standards under
17 subsection (g).”.

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