

Samoa in the Act of October 5, 1984; to the Committee on Energy and Natural Resources.

EC-1497. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Energy and Natural Resources.

EC-1498. A communication from the Acting General Counsel of the Department of Energy, transmitting, pursuant to law, a rule entitled "Final Power Allocations of the Post-2000 Resources Pool" received on April 7, 1997; to the Committee on Energy and Natural Resources.

EC-1499. A communication from the Acting Secretary of Energy, transmitting, pursuant to law, a report entitled "District Heating, Cooling, and Cogeneration: Benefits, Constraints, and Recommendations"; to the Committee on Energy and Natural Resources.

EC-1500. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCAIN (for himself, Mr. DOMENICI, Mr. DORGAN, and Mr. THOMAS):

S. 545. A bill to provide for the reorganization of the Bureau of Indian Affairs, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEAHY (for himself, Mr. GREGG, Mr. JEFFORDS, Ms. SNOWE, Ms. COLLINS, Mr. SMITH, Mr. MOYNIHAN, Mr. KERRY, Mr. KENNEDY, Mr. REED, and Mr. D'AMATO):

S. 546. A bill to implement the recommendations of the Northern Forest Lands Council; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN (for himself, Mrs. HUTCHISON, Mr. LOTT, Mr. STEVENS, Mr. NICKLES, Mr. CRAIG, Mr. ASHCROFT, and Mr. WARNER):

S. 547. A bill to provide for continuing appropriations in the absence of regular appropriations for fiscal year 1998; to the Committee on Appropriations.

By Mr. ROBERTS:

S. 548. A bill to expand the availability and affordability of quality child care through the offering of incentives to businesses to support child care activities; to the Committee on Finance.

By Mr. LUGAR:

S. 549. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation; to the Committee on Finance.

S. 550. A bill to amend the Internal Revenue Code of 1986 to increase the gift tax exclusion to \$25,000; to the Committee on Finance.

By Mr. GREGG:

S. 551. A bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions; to the Committee on Labor and Human Resources.

By Mr. GREGG (for himself, Mr. LEAHY, Mr. JEFFORDS, Ms. COLLINS, Ms. SNOWE, and Mr. SMITH):

S. 552. A bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 553. A bill to regulate ammunition, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 554. A bill to inform and empower consumers in the United States through a voluntary labeling system for wearing apparel or sporting goods made without abusive and exploitative child labor, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD:

S. 555. A bill to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that Act; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself, Mr. HUTCHINSON, Mr. HELMS, Mr. COCHRAN, Mr. NICKLES, and Mr. SESSIONS):

S. 556. A bill to provide for the allocation of funds from the Mass Transit Account of the Highway Trust Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCONNELL (for himself and Mr. INHOFE):

S. 557. A bill to amend the Clean Air Act to exclude beverage alcohol compounds emitted from aging warehouses from the definition of volatile organic compounds; to the Committee on Environment and Public Works.

By Mr. BIDEN (for himself and Mr. GRASSLEY):

S. 558. A bill to provide for a study and report regarding the potential recruitment, hiring, or retention of qualified former officers of the Royal Hong Kong Police by Federal law enforcement agencies; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. KENNEDY) (by request):

S. 559. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle income families who are struggling to pay for college, to amend the Higher Education Act of 1965 to provide significantly increased financial aid for needy students, provide universal access to postsecondary education, reduce student loan costs while improving student loan benefits, to streamline the Federal Family Education Loan Program, and for other purposes; to the Committee on Finance.

S. 560. A bill to amend the Higher Education Act of 1965 to provide significantly increased financial aid for needy students, provide universal access to postsecondary education, reduce student loan costs while improving student loan benefits, to streamline the Federal Family Education Loan Program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN (for himself, Mr. HUTCHINSON, Mr. NICKLES, and Mr. SHELBY):

S.J. Res. 25. A joint resolution disapproving the rule of the Occupational Safety and Health Administration relating to occupational exposure to methylene chloride; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. REID, Mr. HARKIN, Ms. LANDRIEU, Ms. MIKULSKI, Mr. DURBIN, Ms. MOSELEY-BRAUN, Mr. KENNEDY, and Mr. KERRY):

S. Res. 70. A resolution expressing the sense of the Senate regarding equal pay for equal work; to the Committee on Labor and Human Resources.

By Mr. BROWNBACK (for himself, Mr. ROBB, Mr. HELMS, and Mr. BIDEN):

S. Con. Res. 20. A concurrent resolution expressing the sense of Congress regarding the status of the investigation of the bombing of the Israeli Embassy in Buenos Aires in 1992; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself, Mr. DOMENICI, Mr. DORGAN, and Mr. THOMAS):

S. 545. A bill to provide for the reorganization of the Bureau of Indian Affairs, and for other purposes; to the Committee on Indian Affairs.

THE BUREAU OF INDIAN AFFAIRS REORGANIZATION ACT

Mr. MCCAIN. Mr. President, I am pleased to introduce legislation to reorganize and restructure the Bureau of Indian Affairs. I am joined by Senators DOMENICI, DORGAN, and THOMAS as original cosponsors of this legislation.

This legislation is virtually identical to the bill that was approved by the Indian Affairs Committee and reported to the Senate on January 26, 1996. Unfortunately, the Congress did not complete action on that bill prior to the end of the 104th Congress. This legislation is intended to build on the agreements contained in last year's bill and stimulate further discussions in Congress and among the tribes about the many problems in the management and operation of the Bureau of Indian Affairs.

I will not take the time of the Senate to reiterate the long history of efforts to reform the Bureau of Indian Affairs. Suffice it to say, after more than 150 years of proposals, reports, hearings, and other efforts, the Bureau of Indian Affairs remains a hindrance, not a help, to our Native American population.

Since 1824, the Bureau of Indian Affairs has been the principal agency of the Federal Government which is responsible for meeting this nation's trust responsibility to American Indians and Alaska Natives. Yet, based on the health, social, and economic conditions on Indian reservations, the Bureau has failed miserably in carrying out its responsibilities.

Just take a brief look at the statistics on native American quality of life.

Nearly one of every three native Americans in this Nation lives in poverty, including half of the families and half of the children under the age of 6 living on Indian reservations.

Unemployment on Indian reservations exceeds 25 percent, and the per capita income for an Indian living on the reservation is \$4,478.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

Approximately 90,000 Indian families are homeless or underhoused, with nearly one in five Indian families living on the reservation classified as severely overcrowded. One of every five Indian homes lacks complete plumbing facilities.

It is long past time to change the way this Nation deals with American Indians. It is time to break down the barriers to true tribal self-governance and self-determination by providing Indian tribes the authority to design both the structure and function of their trustee, the Bureau of Indian Affairs.

This bill I am introducing today will enable the Congress, the tribes, and the administration to work together to enact the basic reforms in the management and organization of the Bureau of Indian Affairs that are necessary to improve the quality of life of native Americans today. This bill will provide an opportunity for Indian tribes to participate in the reshaping and redefining of the trust relationship with the Federal Government.

For a detailed explanation of the provisions of this bill, I refer my colleagues to the text of the bill which follows, and to Senate Report 104-227 accompanying the legislation reported from the Indian Affairs Committee last year, which is the basis for this legislation.

Mr. President, the reintroduction of this bill marks only the first step in achieving meaningful reform of the Bureau of Indian Affairs. I remain committed to working with the new chairman of the Indian Affairs Committee, Senator CAMPBELL, my colleagues in both Houses of Congress, the administration, and most importantly, the Indian tribes to ensure that this legislation meets the goal of real and necessary change in the Bureau. I look forward to our discussions, and I urge my colleagues to join in sponsoring this bill to ensure prompt enactment of this important and much-needed legislation to reorganize the Bureau of Indian Affairs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 545

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

SECTION 1. SHORT TITLE, PURPOSES, TABLE OF CONTENTS, AND DEFINITIONS.

(a) **SHORT TITLE.**—This Act may be cited as the "Bureau of Indian Affairs Reorganization Act of 1997".

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

(1) to ensure the meaningful involvement of Indian tribes as full negotiation partners with the United States in all efforts to reorganize and restructure the Bureau of Indian Affairs; and

(2) to ensure the active participation by Indian tribes in the development of the budget requests for the Bureau of Indian Affairs and the Indian Health Services which are submit-

ted to the President by the Secretary of the Interior and the Secretary of Health and Human Services for inclusion in the annual budget request submitted by the President to the Congress pursuant to section 1108 of title 31, United States Code.

(c) **TABLE OF CONTENTS.**—The table of contents for 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.

(d) **DEFINITIONS.**—For purposes of this Act, the following definitions shall apply:

(1) **AREA OFFICE.**—The term "area office" means 1 of the 12 area offices of the Bureau of Indian Affairs in existence on the date of enactment of this Act.

(2) **AREA OFFICE PLAN.**—The term "area office plan" means a plan for the reorganization of an area office negotiated by the Secretary and Indian tribes pursuant to section 101.

(3) **AGENCY OFFICE.**—The term "agency office" means an agency office of the Bureau of Indian Affairs in existence on the date of enactment of this Act.

(4) **AGENCY OFFICE PLAN.**—The term "agency office plan" means a plan for the reorganization of an agency office negotiated by the Secretary and Indian tribes pursuant to section 102.

(5) **BIA MANUAL.**—The term "BIA Manual" means the most recent edition of the Bureau of Indian Affairs Manual issued by the Department of the Interior.

(6) **BUREAU.**—The term "Bureau" means the Bureau of Indian Affairs.

(7) **CENTRAL OFFICE.**—The term "central office" means the Central Office of the Bureau, and includes the offices of the Central Office that are housed in Washington, D.C. and Albuquerque, New Mexico.

(8) **CENTRAL OFFICE PLAN.**—The term "central office plan" means the plan for the reorganization of the central office negotiated by the Secretary and Indian tribes pursuant to section 103.

(9) **DEPARTMENT.**—The term "Department" means the Department of the Interior.

(10) **DIRECTOR.**—The term "Director" means, with respect to an area office, the Director of the area office.

(11) **FUNCTION.**—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(12) **INDIAN TRIBE.**—The term "Indian tribe" has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(13) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(14) **SUPERINTENDENT.**—The term "Superintendent" means the Superintendent of an agency office.

(15) **TRIBAL PRIORITY ALLOCATION ACCOUNT.**—The term "tribal priority allocation account" means an account so designated by the Bureau, with respect to which program priorities and funding levels are established by individual Indian tribes.

(16) **TRIBAL RECURRING BASE FUNDING.**—The term "tribal recurring base funding" means recurring base funding (as defined and determined by the Secretary) for the tribal priority allocation accounts of an Indian tribe allocated to a tribe by the Bureau.

TITLE I—REORGANIZATION COMPACTS

SEC. 101. REORGANIZATION OF AREA OFFICES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law—

(1) not later than 30 days after the date of enactment of this Act, the Secretary shall notify in writing each Indian tribe served by an area office of the time and place of the initial prenegotiation meeting to establish a schedule for negotiations under this subsection; and

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

(b) CONTENTS OF AREA OFFICE PLANS.—

(1) **IN GENERAL.**—Each area office plan that is prepared pursuant to this subsection shall provide for the organization of the area office covered under the plan. To the extent that a majority of the Indian tribes served by the area office do not exercise the option to maintain current organizational structures, functions, or funding priorities pursuant to paragraph (3), the reorganization plan shall provide, with respect to the area office covered under the plan, for—

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

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

(C) the delegation of authority of the Secretary to the Director, Superintendents, or Indian tribes;

(D) transfers of functions;

(E) the specification of functions—

(i) retained by the Bureau; or

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

(F) the issuance of waivers or other authorities by the Secretary so that functions and other responsibilities of the Secretary may be carried out by the area office or transferred to Indian tribes;

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

(H) the reordering of funding priorities; and

(I) a formula for the transfer, to the tribal recurring base funding for each Indian tribe served by the area office, of unexpended balances of appropriations and other Federal funds made available to the area office in connection with any function transferred to Indian tribes pursuant to subparagraph (E)(ii).

(2) **SHARE OF FUNDING.**—An area office plan shall include, for each Indian tribe served by the area office, a negotiated determination of the share of the funds used by the area office on an annual basis that is used to support functions and services of the Indian tribe (in this subsection referred to as the "tribal share").

(3) **OPTION OF MAINTENANCE OF CURRENT STATUS.**—At the option of a majority of the

Indian tribes served by an area office, a reorganization plan may provide for the continuation of organizational structures, functions, or funding priorities of the area office that are substantially similar to those in effect at the time of the negotiation of the area office plan.

(4) APPROVAL OF AREA OFFICE PLAN BY INDIAN TRIBES.—

(A) IN GENERAL.—On the date on which the negotiation of an area office plan is concluded, the Secretary shall submit the plan to the Indian tribes served by the area office for approval.

(B) EFFECT OF FAILURE OF INDIAN TRIBE TO APPROVE PLAN.—If an Indian tribe served by an area office fails to approve an area office plan by the date that is 60 days after the Secretary submits the plan pursuant to subparagraph (A) to the Indian tribes served by that office, the plan shall be considered to have been disapproved by that Indian tribe.

(C) REORGANIZATION COMPACT.—If, by the date specified in subparagraph (B), a majority of the Indian tribes approve the area office plan by tribal resolution or other official act of the governing body of each Indian tribe involved, the Secretary shall enter into a reorganization compact pursuant to subsection (c).

(5) SINGLE TRIBE AREA OFFICE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall notify in writing an Indian tribe that is served by an area office that serves only that Indian tribe of the time and place of the initial prenegotiation meeting to establish a schedule for negotiations for an area office plan. If, by not later than 60 days after the date of enactment of this Act, an Indian tribe that is served by an area office that serves only that Indian tribe notifies the Secretary in writing that the Indian tribe elects to enter into negotiations with the Secretary to prepare a reorganization plan for the area office—

(A) not later than 150 days after the date of enactment of this Act, the Secretary shall 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 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 determined 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 determined

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 area 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 area office; and

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

(I) the area 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 area office fail to approve the plan pursuant to paragraph (4), the organizational structure, functions, and funding priorities of the area office in effect at the time of the negotiation of the area office plan shall be determined by the Secretary, in consultation with the Indian tribes served by that area office, and in a manner consistent with the exercise by any Indian tribe of the option to receive directly the tribal share of the Indian tribe under paragraph (6).

(c) AREA OFFICE REORGANIZATION COMPACTS.—

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

(2) PROHIBITION AGAINST CERTAIN LIMITATIONS.—With respect to an Indian tribe that is not a party to an area office reorganization compact entered into by the Secretary under this subsection, nothing in this section may limit or reduce the level of any service or funding that the Indian tribe would otherwise receive pursuant to applicable Federal law (including title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)).

SEC. 102. REORGANIZATION OF AGENCY OFFICES.

(a) IN GENERAL.—Notwithstanding any other provision of law—

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

(2) not later than 150 days after the date of enactment of this Act, the Secretary, acting through the Superintendent (or a designee of the Superintendent) of each agency office, shall conclude negotiations with the Indian tribes served by each agency office on an agency office plan for each agency office.

(b) CONTENTS OF AGENCY OFFICE PLANS.—

(1) IN GENERAL.—Each agency office plan that is prepared by the Secretary pursuant to this subsection shall provide for the organization of the agency office covered under the plan. To the extent that a majority of

the Indian tribes served by the agency office do not exercise the option to maintain current organizational structures, functions, or funding priorities pursuant to paragraph (3), the agency office plan shall provide, with respect to the agency office covered under the agency office plan, for—

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

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

(C) the delegation of authority of the Secretary to the Superintendent or Indian tribes;

(D) transfers of functions;

(E) the specification of functions—

(i) retained by the Bureau; or

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

(F) the issuance of waivers or other authorities by the Secretary so that functions and other responsibilities of the Secretary may be carried out by the agency office or transferred to Indian tribes;

(G) the promulgation of revised regulations relating to the functions of the agency office that are carried by the agency office or transferred to Indian tribes;

(H) the reordering of funding priorities; and

(I) a formula for the transfer, to the tribal recurring base funding for each Indian tribe served by the agency office, of unexpended balances of appropriations and other Federal funds made available to the agency office in connection with any function transferred to Indian tribes pursuant to subparagraph (E)(ii).

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

(3) OPTION OF MAINTENANCE OF CURRENT STATUS.—At the option of a majority of the Indian tribes served by an agency office, an agency office plan may provide for the continuation of organizational structures, functions, or funding priorities of the agency office that are substantially similar to those in effect at the time of the development of the agency office plan.

(4) APPROVAL OF AGENCY OFFICE PLAN BY INDIAN TRIBES.—

(A) IN GENERAL.—On the date on which the negotiation of an agency office plan is concluded, the Secretary shall submit the agency office plan to the Indian tribes served by the agency office for approval.

(B) EFFECT OF FAILURE OF INDIAN TRIBE TO APPROVE PLAN.—If an Indian tribe served by an agency office fails to approve an agency office plan by the date that is 60 days after the Secretary submits the plan pursuant to subparagraph (A) to the Indian tribes served by that office, the plan shall be considered to have been disapproved by that Indian tribe.

(C) REORGANIZATION COMPACT.—If, by the date specified in subparagraph (B), a majority of the Indian tribes approve the agency office plan by a tribal resolution or other official act of the governing body of each Indian tribe involved, the Secretary shall enter into a reorganization compact pursuant to subsection (c).

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

tribe that is served by an agency office that serves only that Indian tribe notifies the Secretary in writing that the Indian tribe elects to enter into negotiations with the Secretary to prepare a reorganization plan for the agency office—

(A) not later than 150 days after the date of enactment of this Act, the Secretary shall 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 agency 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 agency office fail to approve an agency 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 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 Secretary, in consultation with the Indian tribes served by that agency office, and in a manner consistent with the exercise by any Indian tribe of the option to receive directly the tribal share of the Indian tribe under paragraph (6).

(c) AGENCY OFFICE REORGANIZATION COMPACTS.—

(I) IN GENERAL.—Not later than 30 days after the date on which a majority of the Indian tribes served by an agency office that is the subject of an agency office plan have approved that plan pursuant to subsection (b)(4), the Secretary shall enter into a reorganization compact with the Indian tribes to carry out the agency office plan (in this subsection referred to as the “agency office reorganization compact”).

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

SEC. 103. REORGANIZATION OF CENTRAL OFFICE.

(a) IN GENERAL.—Notwithstanding any other provision of law—

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

(2) not later than 150 days after the date of enactment of this Act, the Secretary shall conclude negotiations with Indian tribes on a reorganization plan for the central office. The Secretary shall negotiate on an area-by-area basis with a representative from each of the Indian tribes in each area, to determine the appropriate allocation of personnel and funding made available to the central office to serve the area and agency offices and Indian tribes in each area office.

(b) CONTENT OF CENTRAL OFFICE PLAN.—

(1) IN GENERAL.—The central office plan shall provide for determinations on the basis of the negotiations described in subsection (a) concerning—

(A) which portion of the funds made available to the Secretary for the central office 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;

(D) transfers of functions;

(E) the specification of functions—

(i) retained by the central office; or

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

(F) the issuance of waivers or other authorities by the Secretary so that functions and other responsibilities of the Secretary may be carried out by the central office or transferred to area offices, agency offices, or Indian tribes;

(G) the promulgation of revised regulations relating to the functions of the central office that are carried by the central office or transferred to area offices, agency offices, or Indian tribes;

(H) the reordering of funding priorities;

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

(J) with respect to the transfer of funds to the area and agency offices and Indian tribes in each area, a formula, negotiated with the tribal representatives identified in subsection (a), for the transfer to the Indian tribes of all or a portion of the funds described in paragraph (1)(A)(ii).

(3) SHARE OF FUNDING.—The central office plan shall include, for each Indian tribe, a negotiated determination of the share of the Indian tribe (in this subsection referred to as the “tribal share”) of the funds used by the central office on an annual basis (after any funds identified in paragraph (1)(A)(ii) have been allocated directly to Indian tribes) to support functions and services of the Indian tribe and to provide the personnel and services identified in subsection (a) to serve the Indian tribe.

(4) OPTION TO TAKE TRIBAL SHARE.—

(A) IN GENERAL.—An Indian tribe may, not later than 60 days after the date specified in subsection (c), notify the Secretary in writing that the Indian tribe elects to receive directly the tribal share for that Indian tribe determined under paragraph (3) if that Indian tribe—

(i) receives a tribal share of an area office under section 101(b) and also receives a tribal share of an agency office under section 102(b); or

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

(B) AGREEMENT.—Not later than 30 days after the date on which an Indian tribe provides written notification to the Secretary 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 (taking into account any residual amount determined under clause (i)), or if the period covered by the agreement is less than 12 months, a prorated amount of the tribal share (taking into account any residual amount determined under clause (i)). The agreement shall include—

(i) a negotiated determination of the amount of residual Federal funds to be retained by the Secretary for the central 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 central office; and

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

- (I) the central office; and
- (II) the Indian tribe.

(5) 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 (4), 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 (4).

(c) CENTRAL OFFICE REORGANIZATION COMPACTS.—

(1) IN GENERAL.—Not later than 90 days after the Secretary has concluded a negotiation of a central office plan pursuant to subsection (a), the Secretary shall, for each area office, enter into a central office reorganization compact with the Indian tribes in that area to implement the central office plan (in this subsection referred to as the "central office reorganization compact"). The Secretary may not implement the component of a central office plan relating to an area until such time as a majority of the Indian tribes in that area have entered into a central office reorganization compact with the Secretary pursuant to this paragraph, the organizational structure, functions, and funding priorities of the central office relating to the area and agency offices and Indian tribes in that area and in effect at the time of the negotiation of the central office plan shall be determined by the Secretary, in consultation with the Indian tribes served by each area office, and in a manner that is consistent with the exercise by any Indian tribe of the option to receive directly the tribal share of the Indian tribe under subsection (b)(4).

(2) COORDINATION WITH AREA AND AGENCY OFFICE PLANS.—Each central office reorganization compact entered into by the Secretary under this subsection shall specify that in the event the Secretary determines that a central office reorganization compact is inconsistent with a related area office reorganization compact entered into under section 101(c) or a related agency office reorganization compact entered into under section 102(c), the Secretary, in negotiation with the Indian tribes that are parties to the central office reorganization compact, shall amend the compact to make such modifications as are necessary to ensure consistency with the applicable area or agency office plan.

SEC. 104. AUTHORITY TO SPEND FUNDS.

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

SEC. 105. SAVINGS PROVISIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, all orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of any function that is transferred to Indian tribes pursuant to a reorganization compact that the Secretary enters into pursuant to section 101, 102, or 103; and

(2) that are in effect on the effective date of the reorganization compact, or were final before the effective date of the reorganization compact and are to become effective on or after such date;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—

(1) IN GENERAL.—The provisions of a reorganization compact that the Secretary enters into pursuant to section 101, 102, or 103 shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the

Bureau at the time the reorganization compact takes effect, with respect to the functions transferred by the reorganization compact.

(2) CONTINUATION OF PROCEEDINGS.—The proceedings and applications referred to in paragraph (1) shall be continued. Orders shall be issued in such proceedings, appeals shall be taken from such orders, and payments shall be made pursuant to such orders, as if the compact had not been entered into, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

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

SEC. 106. ADDITIONAL CONFORMING AMENDMENTS.

(a) RECOMMENDED LEGISLATION.—After consultation with Indian tribes and the appropriate committees of the Congress, the Secretary shall prepare and submit to the Congress appropriate recommendations for legislation containing technical and conforming amendments to reflect the changes made pursuant to this title.

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

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 108. EFFECTIVE DATE.

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

SEC. 109. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 110. SUSPENSION OF CERTAIN ADMINISTRATIVE ACTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the 2-year period beginning on the date of enactment of this Act, the Secretary shall suspend the implementation of all administrative activities that affect the Bureau associated with reinventing government, national performance review, or other down sizing initiatives of the executive branch of the Federal Government.

(b) CONSIDERATION OF COMPACTS.—During the period specified in subsection (a), the reorganization compacts entered into under this title shall be deemed to satisfy the goals of the initiatives referred to in subsection (a).

SEC. 111. STATUTORY CONSTRUCTION.

Nothing in this title may be construed to alter or diminish the Federal trust responsibility to Indian tribes, individual Indians, or Indians with trust allotments.

SEC. 112. TRIBAL AUTHORITY RECOGNIZED.

Nothing in this title may be construed to prohibit or limit the capacity of 2 or more Indian tribes to authorize, by tribal resolution or other official act of the governing body of each Indian tribe involved, a group of

Indian tribes to exercise any authority granted to an Indian tribe under this title, except that the approval of an area office or agency office reorganization plan under sections 101(b)(4) and 102(b)(4), and the entering into a central office reorganization compact under section 103(c)(1), shall be authorized by the separate tribal resolution or other official act of the governing body of each Indian tribe involved.

SEC. 113. RENEGOTIATION AUTHORITY.

The Indian tribes served by an agency or area office may annually exercise any authorities that the Indian tribes are authorized to exercise under this title during any calendar year that begins after the date of enactment of this Act, including authorities relating to the negotiation of reorganization plans and the election to receive tribal shares. In any case in which an Indian tribe exercises an authority pursuant to the preceding sentence, the timeframes set forth in this title shall be calculated from the annual anniversary date of the date of enactment of this Act.

SEC. 114. DISCLOSURE OF INFORMATION.

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

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

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

SEC. 201. BUDGET DEVELOPMENT.

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

"TITLE V—BUDGET DEVELOPMENT

"SEC. 501. PARTICIPATION OF INDIAN TRIBES IN THE DEVELOPMENT OF BUDGET REQUESTS.

"(a) BUDGET REQUESTS FOR THE BUREAU OF INDIAN AFFAIRS.—Notwithstanding any other provision of law, not later than 120 days after the date of enactment of this title, the Secretary of the Interior shall establish a program—

"(1) to provide information to Indian tribes concerning the development of budget requests for the Bureau of Indian Affairs that are submitted to the President by the Secretary of the Interior for inclusion in the annual budget of the President submitted to the Congress pursuant to section 1108 of title 31, United States Code; and

"(2) to ensure, to the maximum extent practicable, the participation by each Indian tribe in the development of the budget requests referred to in paragraph (1).

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

"(1) to provide information to Indian tribes concerning the development of budget requests by the Secretary of Health and Human Services for the Indian Health Service that are submitted to the President by the Secretary of Health and Human Services for inclusion in the annual budget referred to in subsection (a)(1); and

"(2) to ensure, to the maximum extent practicable, the participation by each Indian

tribe in the development of the budget requests referred to in paragraph (1).

“(C) REQUIREMENTS FOR PROGRAMS.—

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

“(A) provide for the estimation of—

“(i) the funds authorized to be appropriated on an annual basis for the benefit of Indian tribes; and

“(ii) for each Indian tribe, the portion of the funds described in clause (i) that will be provided for the benefit of the Indian tribe;

“(B) provide, for each Indian tribe—

“(i) the opportunity to establish priorities for using the estimated funds described in subparagraph (A)(ii); and

“(ii) the authority and flexibility to design tribal and Federal programs that receive Federal funds to best meet the needs of the community served by the Indian tribe; and

“(C) provide for the collection and dissemination of information that is necessary for effective planning, evaluation, and reporting by the Secretary of the Interior or the Secretary of Health and Human Services and Indian tribes concerning the comparative social and public health conditions of Indian communities (as defined and determined by the Secretary of the Interior and the Secretary of Health and Human Services) at local, regional, and national levels.

“(2) DUTIES OF THE SECRETARIES.—In carrying out the programs established under this section, the Secretary of the Interior and the Secretary of Health and Human Services shall—

“(A) use any information provided by Indian tribes concerning the priorities referred to in paragraph (1)(B);

“(B) support the creation of stable recurring base funding (as defined and determined by each such Secretary) for each Indian tribe;

“(C) seek to maintain stability in the planning and allocation of the amounts provided for in the budget of the Bureau of Indian Affairs and the Indian Health Service for Indian tribes; and

“(D) assess the Federal programs or assistance provided to each Indian tribe to determine—

“(i) the relative need for providing Federal funds to carry out each such program; and

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

“(3) CONTRACTS, GRANTS, AND ANNUAL FUNDING AGREEMENTS.—To provide, to the maximum extent practicable, for the full participation by the governing bodies of Indian tribes on an effective government-to-government basis in carrying out the collection and sharing of information under this section, the Secretary of the Interior or the Secretary of Health and Human Services may—

“(A) enter into a self-determination contract with an Indian tribe or make a grant to an Indian tribe pursuant to section 102 or 103;

“(B) with respect to the Secretary of Health and Human Services, enter into a funding agreement with a participating Indian tribe pursuant to title III; and

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

“SEC. 502. ASSESSMENT METHODOLOGY.

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Secretary shall, in cooperation with Indian tribes, and in accordance with the negotiated rulemaking procedures under subchapter III of chapter 5 of title 5, United States Code (as in effect on the date of enactment of this title), promulgate standardized assessment methodologies to be used in carrying out any

budget determination for the Bureau concerning the levels of funding that are necessary to fund each program area (as defined and determined by the Secretary) of the Bureau.

“(b) PARTICIPATION BY INDIAN TRIBES.—In carrying out subsection (a), the Secretary shall take such action as may be necessary to ensure, to the maximum extent practicable, the direct and active participation of Indian tribes at the local, regional, and national levels in the negotiated rulemaking process specified in subchapter III of chapter 5 of title 5, United States Code.

“(c) COMMITTEE.—

“(1) COMPOSITION.—The negotiated rulemaking committee established pursuant to the requirements of section 565 of title 5, United States Code (as in effect on the date of enactment of this title), to carry out subsection (a) shall only be comprised of—

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

“(B) individuals who represent Indian tribes.

“(2) REPRESENTATION BY INDIAN TRIBES.—A majority of the members of the committee referred to in paragraph (1) shall be individuals who represent Indian tribes.

“(d) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures carried out under this section in the same manner as the Secretary adapts, in accordance with section 407(c), the procedures carried out pursuant to section 407.

“SEC. 503. REPORTS TO THE CONGRESS.

“At the earliest practicable date after the date of promulgation of the regulations under section 502 on which the Secretary of the Interior submits a budget request to the President for inclusion in the annual budget of the President submitted to the Congress pursuant to section 1108 of title 31, United States Code, and annually thereafter, the Secretary shall prepare and submit to the President for inclusion in the annual budget submitted to the Congress, a report that—

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

“(2) includes—

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

“(B) for each Indian tribe served by a program area referred to in paragraph (2)—

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

“(ii) the total amount of funding necessary to cover all program areas with respect to which the tribe receives services (as determined by taking the aggregate of the applicable amounts determined under paragraph (3)); and

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

“SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

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

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

SEC. 301. BIA MANUAL.

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

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

(2) promulgate as proposed regulations those provisions of the BIA Manual that the Secretary deems necessary for the efficient

implementation of the Federal functions retained by the Bureau under the reorganization compacts authorized by this Act; and

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

(b) CONSULTATION WITH INDIAN TRIBES.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable, consult with Indian tribes in such manner as to provide for the full participation of Indian tribes.

SEC. 302. TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—

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

(2) DUTIES.—The task force shall—

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

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

(3) MEMBERSHIP.—The task force shall be composed of 16 members, appointed by the Secretary, including 12 members who are representatives of Indian tribes from each of the 12 areas served by area offices.

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

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

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

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

(b) REPORTS.—

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

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

(A) the findings of the task force concerning the review conducted pursuant to subsection (a)(2)(A); and

(B) the recommendations described in subsection (a)(2)(B).

(c) POWERS OF THE TASK FORCE.—

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

(2) INFORMATION FROM FEDERAL AGENCIES.—The task force may secure directly from any Federal department or agency such information as the task force considers necessary to carry out the duties of the task force specified in subsection (a)(2).

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

(4) GIFTS.—The task force may accept, use, and dispose of gifts or donations of services or property.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Members of the task force who are not officers or employees of the Federal Government shall serve without compensation, except for travel expenses, as provided under paragraph (2). Members of the task force who are officers or employees of the United States shall serve

without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the task force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the task force.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the task force may, without regard to the civil service laws, appoint and terminate such personnel as may be necessary to enable the task force to perform its duties.

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

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

(f) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—All of the activities of the task force conducted under this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(g) PROHIBITION.—Beginning on the date of enactment of this Act, no provision of any internal manual or handbook or other written procedure purporting to govern the conduct of the Department in relation to Indian tribes shall be binding upon any Indian tribe unless that provision has been promulgated as a final regulation in accordance with applicable Federal law.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

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

By Mr. LEAHY (for himself, Mr. GREGG, Mr. JEFFORDS, Ms. SNOWE, Ms. COLLINS, Mr. SMITH of New Hampshire, Mr. MOYNIHAN, Mr. KERRY and Mr. KENNEDY):

S. 546. A bill to implement the recommendations of the Northern Forest Lands Council; to the Committee on Agriculture, Nutrition, and Forestry.

THE NORTHERN FOREST STEWARDSHIP ACT

Mr. LEAHY. Mr. President, today I am pleased to join my colleague Senator GREGG and Senators JEFFORDS, SNOWE, COLLINS, MOYNIHAN and SMITH in introducing the Northern Forest Stewardship Act of 1997 and the Family Forestland Preservation Tax Act. I am proud that this legislation has the entire support of the Senate delegations from the Northern Forest States of Vermont, New Hampshire, Maine, as well as Senators from other parts of the region.

Today's legislation is about empowering communities within the 26-million-acre Northern Forest—the largest contiguous forest east of the Mississippi River. This great natural resource criss crosses New York, Vermont, New Hampshire, and Maine. But

as we near the end of the 20th century, growth pressures on the Northern Forest have increased. The thousands of people who live in this region have wrestled with how to maintain economies that provide jobs while preserving the environment that makes the region such a special place.

Recognizing the challenge facing these communities, Senator Warren Rudman and I sponsored the Northern Forest Lands Study in 1990. Thousands of people who live in the Northern Forest participated in the study which lasted 4 years. Upon the conclusion of the study, the Northern Forest Lands Council was established to develop specific recommendations to address the issues identified in the study.

As one might expect, the majority of these recommendations focused on local and State issues. However, some of the ideas proposed by the Northern Forest Lands Council requested changes in Federal law. Today, we are here to move forward the council recommendations that need these modifications.

Here is an example of what Congress can achieve when it heeds the public's voice. It is founded on extensive research, open discussion, consensus decisions, and visionary problem solving by the people who have a stake in the future of the forest. Legislation rarely embodies such a thorough effort by so diverse a constituency.

This legislation will reaffirm the council's vision of the Northern Forest as a working landscape of interlocking parts and pieces, reinforcing each other: small and rural communities, industrial forest land, family and individual ownerships, small woodlots, recreation land, public and private conservation land.

These bills focus on three key goals of the council: fostering stewardship of private land, building knowledge and information on forest resources, and increasing funds available for land conservation. These are goals shared by the people and representatives of the Northern Forest region and provide the foundation for the bipartisan support of this legislation in the House and the Senate.

This legislation also recognizes the extraordinary resources the 26-million-acre Northern Forest region provides to local communities and visitors alike. The forests within the region are rich in natural resources and values cherished by residents and visitors: timber, fiber, and wood for forest products and energy supporting successful businesses and providing stable jobs for residents; lakes, ponds, rivers, and streams unspoiled by pollution or crowding human development; viable tracts of land for wildlife habitat and recreational use, and protected areas to help preserve the biological integrity of the region.

Given the nature of the council's recommendations, one piece of legislation to implement all the recommendations was not feasible, therefore we are in-

troducing this package of bills. It is our hope that these bills will both be taken up in the appropriate committees of this Congress and will move through Congress as complementary legislation.

Passing this legislation is a priority for me personally and for Vermont. It will highlight the importance of the forest resources to our region and to the Nation. It will help State, local, and community groups draw upon Federal assistance to work toward the goals of the council. And, it will reaffirm these goals and the shared commitment to protect the environmental and economic heritage of the region.

Mr. President, I ask unanimous consent that the bill on the part of myself, and Senators GREGG, JEFFORDS, SNOWE, COLLINS, SMITH of New Hampshire, MOYNIHAN, KERRY of Massachusetts, and Mr. KENNEDY be introduced and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. JEFFORDS. Mr. President, I am pleased to be an original cosponsor of the Family Forest Land Preservation Tax Act and the Northern Forest Stewardship Act and commend both Senator LEAHY and Senator GREGG for their leadership in these bills. Both bills include recommendations from the Northern Forest Lands Council that address the general consensus of the residents in the Northern Forest region.

Since the Northern Forest Lands Council's creation in 1990, hundreds of citizens have been seeking ways for Maine, New Hampshire, New York, and Vermont to maintain the traditional patterns of land ownership and use of the Northern Forest. For over 4 years the council conducted in-depth research, assessed data, consulted with experts, held public meetings, and listened to thousands of people who live and work in the region. The recommendations that are incorporated in both the Stewardship Act and the Preservation Tax Act, represent the thoughtful work of many individuals who live and work in the Northern Forest region and hundreds of hours of forums and public meetings.

Mr. President, I am grateful and appreciate the dedication and vision of the members of the Northern Forest Lands Council and the thousands of people who participated in the process. I am grateful, because the 26-million-acre forest that stretches from eastern Maine through New Hampshire and Vermont and across New York provides important and valuable resources. This forest region is home to 1 million residents. The people that work and live in this region have a bond to the land. Hunting, fishing, trapping, walking, and hiking in the woods have been a way of life for generations.

Nearly 85 percent of the Northern Forest is privately owned. For years, these lands have provided a diversity of environmental and economic benefits.