

104TH CONGRESS
2D SESSION

H. R. 3354

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 1996

Mr. HAYWORTH introduced the following bill; which was referred to the
Committee on Resources

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 1996”.

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 of-
5 fice.

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 Indian tribe of the funds used by the area of-

1 fice on an annual basis to support functions and
2 services of each tribe (hereafter in this subsection
3 referred to as 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

1 (B) if, by the date that is 60 days after
2 the date specified in subparagraph (A), the In-
3 dian tribe approves the area office plan by trib-
4 al resolution or other official act of the govern-
5 ing body of the Indian tribe, the Secretary shall
6 enter into a reorganization compact with the
7 Indian tribe to carry out the area office plan.

8 (6) OPTION TO TAKE TRIBAL SHARE.—

9 (A) IN GENERAL.—If—

10 (i) by the date specified in paragraph
11 (4)(B), a majority of the Indian tribes
12 served by an area office fail to approve an
13 area office plan, an Indian tribe may, not
14 later than 60 days after the date specified
15 in paragraph (4)(B), notify the Secretary
16 in writing that the Indian tribe elects to
17 receive directly the tribal share of the In-
18 dian tribe; or

19 (ii) by the date specified in paragraph
20 (5)(B), the Indian tribe served by an area
21 office fails to approve an area office plan,
22 the Indian tribe may, not later than 60
23 days after the date specified in paragraph
24 (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, or if the agreement covers a period of
10 less than 12 months, a prorated amount of the
11 tribal share. The agreement shall include—

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

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

22 (I) the area office; and

23 (II) the Indian tribe.

24 (7) SELF-DETERMINATION AND SELF-GOVERN-
25 ANCE AUTHORITIES NOT AFFECTED.—If an Indian

1 tribe exercises the option to receive a tribal share
2 of funds in accordance with paragraph (6), the exer-
3 cise of that option may not be construed to limit
4 or restrict any right of that tribe or any other tribe
5 to receive funds under title I or IV of the Indian
6 Self-Determination and Education Assistance Act
7 (25 U.S.C. 450 et seq.), and funds received under
8 that Act may be included as part of the tribal share
9 identified in paragraph (6).

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

22 (c) AREA OFFICE REORGANIZATION COMPACTS.—

23 (1) IN GENERAL.—Not later than 30 days after
24 the date on which a majority of the Indian tribes
25 served by the area office that is the subject of a re-

1 organization plan have approved the plan pursuant
2 to subsection (b)(4), the Secretary shall enter into
3 an area office reorganization compact with the In-
4 dian tribes that have approved the plan to carry out
5 that plan (hereafter in this subsection referred to as
6 the “area office reorganization compact”).

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

17 **SEC. 102. REORGANIZATION OF AGENCY 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 each
22 Indian tribe in writing of the time and place of the
23 initial prenegotiation meeting to establish a schedule
24 for negotiations under this subsection; and

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

8 (b) CONTENTS OF AGENCY OFFICE PLANS.—

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

19 (A) the reorganization of the administra-
20 tive structure of the agency office;

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

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

25 (D) transfers of functions;

1 (E) the specification of functions—
2 (i) retained by the Bureau; or
3 (ii) transferred to Indian tribes served
4 by the agency office;

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

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

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

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

23 (2) SHARE OF FUNDING.—An agency office
24 plan shall include, for each Indian tribe served by
25 the agency office, a negotiated determination of the

1 share of the Indian tribe of the funds used by the
2 agency office on an annual basis to support func-
3 tions and services of the tribe (hereafter in this sub-
4 section referred to as the “tribal share”).

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

13 (4) APPROVAL OF AGENCY OFFICE PLAN BY IN-
14 DIAN TRIBES.—

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

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

1 by that office, the plan shall be considered to
2 have 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 agency
6 office plan by a tribal resolution or other offi-
7 cial act of the governing body of each Indian
8 tribe involved, the Secretary shall enter into a
9 reorganization compact pursuant to subsection
10 (c).

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

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

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

12 (6) OPTION TO TAKE TRIBAL SHARE.—

13 (A) IN GENERAL.—If—

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

23 (ii) by the date specified in paragraph
24 (5)(B), the Indian tribe served by an agen-
25 cy office fails to approve an agency office

1 plan, the Indian tribe may, not later than
2 60 days after the date specified in para-
3 graph (5)(B), notify the Secretary in writ-
4 ing that the Indian tribe elects to receive
5 directly the tribal share of the Indian tribe.

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

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

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

25 (I) the agency office; and

1 (II) the Indian tribe.

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

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

25 (c) AGENCY OFFICE REORGANIZATION COMPACTS.—

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

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

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

20 (a) IN GENERAL.—Notwithstanding any other provi-
21 sion of law—

22 (1) not later than 30 days after the date of en-
23 actment of this Act, the Secretary shall notify in
24 writing each Indian tribe of the time and place of

1 the initial prenegotiation meeting to establish a
2 schedule for negotiations under this subsection; and

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

13 (b) CONTENT OF CENTRAL OFFICE PLAN.—

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

17 (A) which portion of the funds made avail-
18 able to the Secretary for the central office
19 shall—

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

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

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

4 (2) REALLOCATION OF FUNDS AND PERSON-
5 NEL.—In developing the central office plan, to the
6 extent that the Secretary and the Indian tribes do
7 not exercise the option to maintain current organiza-
8 tional structures, functions, or funding priorities, the
9 central office plan shall provide, to the extent nec-
10 essary to accommodate the determinations made
11 under paragraph (1), for—

12 (A) the reorganization of the administra-
13 tive structure of the central office;

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

16 (C) the delegation of authority of the Sec-
17 retary carried out through the central office to
18 the Directors, Superintendents, or Indian
19 tribes;

20 (D) transfers of functions;

21 (E) the specification of functions—

22 (i) retained by the central office; or

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

1 (F) the issuance of waivers or other au-
2 thorities by the Secretary so that functions and
3 other responsibilities of the Secretary may be
4 carried out by the central office or transferred
5 to area offices, agency offices, or Indian tribes;

6 (G) the promulgation of revised regulations
7 relating to the functions of the central office
8 that are carried by the central office or trans-
9 ferred to area offices, agency offices, or Indian
10 tribes;

11 (H) the reordering of funding priorities;

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

16 (J) with respect to the transfer of funds to
17 the area and agency offices and Indian tribes in
18 each area, a formula, negotiated with the tribal
19 representatives identified in subsection (a), for
20 the transfer to the Indian tribes of all or a por-
21 tion of the funds described in paragraph
22 (1)(A)(ii).

23 (3) SHARE OF FUNDING.—The central office
24 plan shall include, for each Indian tribe, a nego-
25 tiated determination of the share of the Indian tribe

1 (hereafter in this subsection referred to as the “trib-
2 al share”) of the funds used by the central office on
3 an annual basis to support functions and services of
4 the Indian tribe and the personnel and services iden-
5 tified in subsection (a), after any funds identified in
6 paragraph (1)(A)(ii) have been allocated directly to
7 Indian tribes.

8 (4) OPTION TO TAKE TRIBAL SHARE.—

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

16 (i) receives a tribal share of an area
17 office under section 101(b) and also re-
18 ceives a tribal share of an agency office
19 under section 102(b); or

20 (ii) receives a share pursuant to title
21 I or IV of the Indian Self-Determination
22 and Education Assistance Act (25 U.S.C.
23 450 et seq.).

24 (B) AGREEMENT.—Not later than 30 days
25 after the date on which an Indian tribe provides

1 written notification to the Secretary under sub-
2 paragraph (A), the Secretary shall enter into an
3 agreement with the Indian tribe for the imme-
4 diate and direct transfer to the Indian tribe of
5 an amount equal to the tribal share, or if the
6 period covered by the agreement is less than 12
7 months, a prorated amount of the tribal share.

8 The agreement shall include—

9 (i) a negotiated determination of the
10 amount of residual Federal funds to be re-
11 tained by the Secretary for the central of-
12 fice that are minimally necessary to carry
13 out trustee and other functions of the Fed-
14 eral Government that are not delegable to
15 the Indian tribes served by the central of-
16 fice; and

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

19 (I) the central office; and

20 (II) the Indian tribe.

21 (5) SELF-DETERMINATION AND SELF-GOVERN-
22 ANCE AUTHORITIES NOT AFFECTED.—If an Indian
23 tribe exercises the option to receive a tribal share of
24 funds in accordance with paragraph (4), the exercise
25 of that option may not be construed to limit or re-

1 strict any right of that tribe or any other tribe to
2 receive funds under title I or IV of the Indian Self-
3 Determination and Education Assistance Act (25
4 U.S.C. 450 et seq.), and funds received under that
5 Act may be included as part of the tribal share iden-
6 tified in paragraph (4).

7 (c) CENTRAL OFFICE REORGANIZATION COM-
8 PACTS.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the Secretary has concluded a negotiation of a
11 central office plan pursuant to subsection (a), the
12 Secretary shall, for each area office, enter into a
13 central office reorganization compact with the Indian
14 tribes in that area to implement the central office
15 plan (hereafter in this subsection referred to as the
16 “central office reorganization compact”). The Sec-
17 retary may not implement the component of a
18 central office plan relating to an area until such
19 time as a majority of the Indian tribes in that area
20 have entered into a central office reorganization
21 compact. If a majority of the Indian tribes in an
22 area do not enter into a central office reorganization
23 compact with the Secretary pursuant to this para-
24 graph, the organizational structure, functions, and
25 funding priorities of the central office relating to the

1 area and agency offices and Indian tribes in that
2 area and in effect at the time of the negotiation of
3 the central office plan shall be determined by the
4 Secretary, in consultation with the Indian tribes
5 served by each area office, and in a manner that
6 is consistent with the exercise by any Indian tribe
7 of the option to receive directly the tribal share of
8 the Indian tribe under subsection (b)(4).

9 (2) COORDINATION WITH AREA AND AGENCY
10 OFFICE PLANS.—Each central office reorganization
11 compact entered into by the Secretary under this
12 subsection shall specify that in the event the Sec-
13 retary determines that a central office reorganiza-
14 tion compact is inconsistent with a related area of-
15 fice reorganization compact entered into under sec-
16 tion 101(c) or a related agency office reorganization
17 compact entered into under section 102(c), the Sec-
18 retary, in negotiation with the Indian tribes that are
19 parties to the central office reorganization compact,
20 shall amend the compact to make such modifications
21 as are necessary to ensure consistency with the ap-
22 plicable area or agency office plan.

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

24 Each Indian tribe that receives funds under this title
25 shall administer and expend those funds in a manner con-

1 sistent with the authorities provided to Indian tribes under
2 the Indian Self-Determination and Education Assistance
3 Act (25 U.S.C. 450 et seq.).

4 **SEC. 105. SAVINGS PROVISIONS.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of this title, all orders, determinations, rules, regula-
7 tions, permits, agreements, grants, contracts, certificates,
8 licenses, registrations, privileges, and other administrative
9 actions—

10 (1) that have been issued, made, granted, or al-
11 lowed to become effective by the President, any Fed-
12 eral agency or official thereof, or by a court of com-
13 petent jurisdiction, in the performance of any func-
14 tion that is transferred to Indian tribes pursuant to
15 a reorganization compact that the Secretary enters
16 into pursuant to section 101, 102, or 103; and

17 (2) that are in effect on the effective date of the
18 reorganization compact, or were final before the ef-
19 fective date of the reorganization compact and are to
20 become effective on or after such date;

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

1 (b) PROCEEDINGS NOT AFFECTED.—

2 (1) IN GENERAL.—The provisions of a reorga-
3 nization compact that the Secretary enters into pur-
4 suant to section 101, 102, or 103 shall not affect
5 any proceedings, including notices of proposed rule-
6 making, or any application for any license, permit,
7 certificate, or financial assistance pending before the
8 Bureau at the time the reorganization compact takes
9 effect, with respect to the functions transferred by
10 the reorganization compact.

11 (2) CONTINUATION OF PROCEEDINGS.—The
12 proceedings and applications referred to in para-
13 graph (1) shall be continued. Orders shall be issued
14 in such proceedings, appeals shall be taken from
15 such orders, and payments shall be made pursuant
16 to such orders, as if the compact had not been en-
17 tered into, and orders issued in any such proceed-
18 ings shall continue in effect until modified, termi-
19 nated, superseded, or revoked by a duly authorized
20 official, by a court of competent jurisdiction, or by
21 operation of law.

22 (3) STATUTORY CONSTRUCTION.—Nothing in
23 this subsection shall be deemed to prohibit the dis-
24 continuance or modification of any such proceeding
25 under the same terms and conditions and to the

1 same extent that such proceeding could have been
2 discontinued or modified if this title had not been
3 enacted.

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

9 **SEC. 106. ADDITIONAL CONFORMING AMENDMENTS.**

10 (a) RECOMMENDED LEGISLATION.—After consulta-
11 tion with Indian tribes and the appropriate committees of
12 the Congress, the Secretary shall prepare and submit to
13 the Congress appropriate recommendations for legislation
14 containing technical and conforming amendments to re-
15 flect the changes made pursuant to this title.

16 (b) SUBMISSION TO THE CONGRESS.—Not later than
17 120 days after the effective date of this title, the Secretary
18 shall submit to the Congress the recommended legislation
19 referred to in subsection (a).

20 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

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

23 **SEC. 108. EFFECTIVE DATE.**

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

1 **SEC. 109. SEPARABILITY.**

2 If a provision of this title or its application to any
3 person or circumstance is held invalid, neither the remain-
4 der of this title nor the application of the provision to
5 other persons or circumstances shall be affected.

6 **SEC. 110. SUSPENSION OF CERTAIN ADMINISTRATIVE AC-**
7 **TIONS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, during the 2-year period beginning on the date
10 of enactment of this Act, the Secretary shall suspend the
11 implementation of all administrative activities that affect
12 the Bureau associated with reinventing government, na-
13 tional performance review, or other down sizing initiatives
14 of the executive branch of the Federal Government.

15 (b) CONSIDERATION OF COMPACTS.—During the pe-
16 riod specified in subsection (a), the reorganization com-
17 pacts entered into under this title shall be deemed to sat-
18 isfy the goals of the initiatives referred to in subsection
19 (a).

20 **SEC. 111. STATUTORY CONSTRUCTION.**

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

24 **SEC. 112. TRIBAL AUTHORITY RECOGNIZED.**

25 Nothing in this title may be construed to prohibit or
26 limit the capacity of 2 or more Indian tribes to authorize,

1 by tribal resolution or other official act of the governing
2 body of each Indian tribe involved, a group of Indian
3 tribes to exercise any authority granted to an Indian tribe
4 under this title, except that the approval of an area office
5 or agency office reorganization plan under sections
6 101(b)(4) and 102(b)(4), and the entering into a central
7 office reorganization compact under section 103(c)(1),
8 shall be authorized by the separate tribal resolution or
9 other official act of the governing body of each Indian
10 tribe involved.

11 **SEC. 113. RENEGOTIATION AUTHORITY.**

12 The Indian tribes served by an agency or area office
13 may annually exercise any authorities that the Indian
14 tribes are authorized to exercise under this title during
15 any calendar year that begins after the date of enactment
16 of this Act, including authorities relating to the negotia-
17 tion of reorganization plans and the election to receive
18 tribal shares. In any case in which an Indian tribe exer-
19 cises an authority pursuant to the preceding sentence, the
20 timeframes set forth in this title shall be calculated from
21 the annual anniversary date of the date of enactment of
22 this Act.

23 **SEC. 114. DISCLOSURE OF INFORMATION.**

24 (a) IN GENERAL.—Upon entering into negotiations
25 required under sections 101, 102, and 103, and in a timely

1 manner throughout that negotiation process, the Secretary
 2 shall provide to Indian tribes the budgetary, structural,
 3 administrative, and legal information that is necessary for
 4 the negotiated reorganization of the agency offices, area
 5 offices, and central office.

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

10 **TITLE II—AMENDMENT TO THE**
 11 **INDIAN SELF-DETERMINA-**
 12 **TION AND EDUCATION AS-**
 13 **SISTANCE ACT**

14 **SEC. 201. BUDGET DEVELOPMENT.**

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

18 **“TITLE V—BUDGET**
 19 **DEVELOPMENT**

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

22 “(a) BUDGET REQUESTS FOR THE BUREAU OF IN-
 23 DIAN AFFAIRS.—Notwithstanding any other provision of
 24 law, not later than 120 days after the date of enactment

1 of this title, the Secretary of the Interior shall establish
2 a program—

3 “(1) to provide information to Indian tribes
4 concerning the development of budget requests for
5 the Bureau of Indian Affairs that are submitted to
6 the President by the Secretary of the Interior for in-
7 clusion in the annual budget of the President sub-
8 mitted to the Congress pursuant to section 1108 of
9 title 31, United States Code; and

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

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

19 “(1) to provide information to Indian tribes
20 concerning the development of budget requests by
21 the Secretary of Health and Human Services for the
22 Indian Health Service that are submitted to the
23 President by the Secretary of Health and Human
24 Services for inclusion in the annual budget referred
25 to in subsection (a)(1); 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 “(c) REQUIREMENTS FOR PROGRAMS.—

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

9 “(A) provide for the estimation of—

10 “(i) the funds authorized to be appro-
11 priated on an annual basis for the benefit
12 of Indian tribes; and

13 “(ii) for each Indian tribe, the portion
14 of the funds described in clause (i) that
15 will be provided for the benefit of the In-
16 dian tribe;

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

18 “(i) the opportunity to establish prior-
19 ities for using the estimated funds de-
20 scribed in subparagraph (A)(ii); and

21 “(ii) the authority and flexibility to
22 design tribal and Federal programs that
23 receive Federal funds to best meet the
24 needs of the community served by the In-
25 dian tribe; and

1 “(C) provide for the collection and dissemi-
2 nation of information that is necessary for ef-
3 fective planning, evaluation, and reporting by
4 the Secretary of the Interior or the Secretary of
5 Health and Human Services and Indian tribes
6 concerning the comparative social and public
7 health conditions of Indian communities (as de-
8 fined and determined by the Secretary of the
9 Interior and the Secretary of Health and
10 Human Services) at local, regional, and na-
11 tional levels.

12 “(2) DUTIES OF THE SECRETARIES.—In carry-
13 ing out the programs established under this section,
14 the Secretary of the Interior and the Secretary of
15 Health and Human Services shall—

16 “(A) use any information provided by In-
17 dian tribes concerning the priorities referred to
18 in paragraph (1)(B);

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

22 “(C) seek to maintain stability in the plan-
23 ning and allocation of the amounts provided for
24 in the budget of the Bureau of Indian Affairs

1 and the Indian Health Service for Indian tribes;
2 and

3 “(D) assess the Federal programs or as-
4 sistance provided to each Indian tribe to deter-
5 mine—

6 “(i) the relative need for providing
7 Federal funds to carry out each such pro-
8 gram; and

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

12 “(3) CONTRACTS, GRANTS, AND ANNUAL FUND-
13 ING AGREEMENTS.—To provide, to the maximum ex-
14 tent practicable, for the full participation by the gov-
15 erning bodies of Indian tribes on an effective govern-
16 ment-to-government basis in carrying out the collec-
17 tion and sharing of information under this section,
18 the Secretary of the Interior or the Secretary of
19 Health and Human Services may—

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

23 “(B) with respect to the Secretary of
24 Health and Human Services, enter into a fund-

1 ing agreement with a participating Indian tribe
2 pursuant to title III; and

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

6 **“SEC. 502. ASSESSMENT METHODOLOGY.**

7 “(a) IN GENERAL.—Not later than 180 days after
8 the date of enactment of this title, the Secretary shall,
9 in cooperation with Indian tribes, and in accordance with
10 the negotiated rulemaking procedures under subchapter
11 III of chapter 5 of title 5, United States Code (as in effect
12 on the date of enactment of this title), promulgate stand-
13 ardized assessment methodologies to be used in carrying
14 out any budget determination for the Bureau concerning
15 the levels of funding that are necessary to fund each pro-
16 gram area (as defined and determined by the Secretary)
17 of the Bureau.

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

25 “(c) COMMITTEE.—

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

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

9 “(B) individuals who represent Indian
10 tribes.

11 “(2) REPRESENTATION BY INDIAN TRIBES.—A
12 majority of the members of the committee referred
13 to in paragraph (1) shall be individuals who rep-
14 resent Indian tribes.

15 “(d) ADAPTATION OF PROCEDURES.—The Secretary
16 shall adapt the negotiated rulemaking procedures carried
17 out under this section in the same manner as the Sec-
18 retary adapts, in accordance with section 407(c), the pro-
19 cedures carried out pursuant to section 407.

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

21 ““At the earliest practicable date after the date of pro-
22 mulgation of the regulations under section 502 on which
23 the Secretary of the Interior submits a budget request to
24 the President for inclusion in the annual budget of the
25 President submitted to the Congress pursuant to section

1 1108 of title 31, United States Code, and annually there-
2 after, the Secretary shall prepare and submit to the Presi-
3 dent for inclusion in the annual budget submitted to the
4 Congress, a report that—

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

8 “(2) includes—

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

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

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

18 “(ii) the total amount of funding nec-
19 essary to cover all program areas with re-
20 spect to which the tribe receives services
21 (as determined by taking the aggregate of
22 the applicable amounts determined under
23 paragraph (3)); and

24 “(iii) a breakdown, for each program
25 area with respect to which the Indian tribe

1 receives service, of the amount determined
2 under clause (ii).

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

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

6 **TITLE III—REFORM OF THE REG-**
7 **ULATIONS OF THE BUREAU**
8 **OF INDIAN AFFAIRS**

9 **SEC. 301. BIA MANUAL.**

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

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

14 (2) promulgate as proposed regulations those
15 provisions of the BIA Manual that the Secretary
16 deems necessary for the efficient implementation of
17 the Federal functions retained by the Bureau under
18 the reorganization compacts authorized by this Act;
19 and

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

23 (b) CONSULTATION WITH INDIAN TRIBES.—In car-
24 rying out subsection (a), the Secretary shall, to the maxi-
25 mum extent practicable, consult with Indian tribes in such

1 manner as to provide for the full participation of Indian
2 tribes.

3 **SEC. 302. TASK FORCE.**

4 (a) ESTABLISHMENT OF TASK FORCE.—

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

10 (2) DUTIES.—The task force shall—

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

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

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

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

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

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

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

6 (b) REPORTS.—

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

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

16 (A) the findings of the task force concern-
17 ing the review conducted pursuant to subsection
18 (a)(2)(A); and

19 (B) the recommendations described in sub-
20 section (a)(2)(B).

21 (c) POWERS OF THE TASK FORCE.—

22 (1) HEARINGS.—The task force may hold such
23 hearings, sit and act at such times and places, take
24 such testimony, and receive such evidence as the

1 task force considers advisable to carry out the duties
2 of the task force specified in subsection (a)(2).

3 (2) INFORMATION FROM FEDERAL AGENCIES.—

4 The task force may secure directly from any Federal
5 department or agency such information as the task
6 force considers necessary to carry out the duties of
7 the task force specified in subsection (a)(2).

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

12 (4) GIFTS.—The task force may accept, use,
13 and dispose of gifts or donations of services or prop-
14 erty.

15 (d) TASK FORCE PERSONNEL MATTERS.—

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

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

8 (3) STAFF.—

9 (A) IN GENERAL.—The Chairperson of the
10 task force may, without regard to the civil serv-
11 ice laws, appoint and terminate such personnel
12 as may be necessary to enable the task force to
13 perform its duties.

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

24 (e) TERMINATION OF TASK FORCE.—The task force
25 shall terminate 30 days after the date on which the task

1 force submits its reports to the Congress and to Indian
2 tribes under subsection (b)(2).

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

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

14 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

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

○