(2) Whereas the majority of the uninsured population are rural residents, minority populations, single-parent families and working families;

(3) Whereas consolidated health centers serve as a safety net for more than 11 million patients nationwide, including 4.4 million people with no health insurance;

(4) Whereas consolidated health centers serve one of every 6 low-income children, one of every 12 rural residents, one of every 4 homeless persons, and one of every 5 babies born to low-income families;

(5) Whereas 50% of the nation’s 30,000 primary care health centers are located in rural areas;

(6) Whereas health centers provide primary and preventive care to low-income, uninsured, and under-insured individuals for less than $1 per day;

(7) Whereas the President requested a $15 million increase for consolidated health centers in fiscal Year 2000;

(8) Whereas Congress recognized the value of consolidated health centers in serving the under-served and appropriated a $100 million increase in funding for consolidated health centers in fiscal Year 2000.

WHEREAS the Senate that the federal investment in the consolidated health centers program should double in funding over the next five years,

AMENDMENT NO. 2920
At the appropriate place, insert the following:

SEC. 1. SHORT TITLE. This Act may be cited as the 'Tribal Self-Governance Amendments of 1999'.

SEC. 2. FINDINGS.

(1) The tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations;

(2) The United States recognizes a special government-to-government relationship with Indian tribes, including the right of the Indian tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

(3) Although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

(4) The Tribal Self-Governance Demonstration Project, established under title III of the Indian Self-Governance and Education Assistance Act (25 U.S.C. 450 et seq) was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management;

(5) Although the Federal Government has made considerable strides in improving Indian health care, it has failed to fully meet its trust responsibilities and to satisfy its obligations to the Indian tribes under treaties and other laws;

(6) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that transferring full control and funding to tribes upon tribal request, over decision making for Federal programs, services, functions, and activities (or portions thereof) is an appropriate and effective means of implementing the Federal policy of government-to-government relations with Indian tribes; and

(7) Strengthens the Federal policy of Indian self-determination.

SEC. 3. DECLARATION OF POLICY.

It is the policy of Congress—

(1) To permanently establish and implement tribal self-governance within the Department of Health and Human Services;

(2) To call for full cooperation from the Department of Health and Human Services and its constituent agencies in the implementation of tribal self-governance—

(A) To enable the United States to maintain and improve its relationship with, and responsibility to, Indian tribes;

(B) To permit each Indian tribe to choose the extent of its participation in self-governance in accordance with the provisions of the Indian Self-Determination and Education Assistance Act relating to the provision of Federal services to Indian tribes;

(C) To ensure the continuation of the trust responsibility of the United States to Indian tribes and Indian individuals;

(D) To affirm and enable the United States to fulfill its obligations to the Indian tribes under treaties and other laws;

(E) To strengthen the government-to-government relationship between the United States and Indian tribes through direct and meaningful consultation with all tribes;

(F) To permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful autonomy, control, funding, and discretion to plan, conduct, redesign, and administer programs, services, functions, and activities (or portions thereof) that meet the needs of the individual tribal communities;

(G) To provide for a measurable parallel reduction in the Federal bureaucracy of programs, services, functions, and activities (or portions thereof) assumed by Indian tribes;

(H) To encourage the Secretary to identify all programs, services, functions, and activities (or portions thereof) of the Department

CAMPBELL AMENDMENT NO. 2922
Mr. KYL (for Mr. CAMPBELL) proposed an amendment to the bill (S. 979) to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE. This Act may be cited as the 'Tribal Self-Governance Amendments of 1999'.

SEC. 2. FINDINGS.

Congress finds that—

1. The tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations;

2. The United States recognizes a special government-to-government relationship with Indian tribes, including the right of the Indian tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

3. Although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

4. The Tribal Self-Governance Demonstration Project, established under title III of the Indian Self-Governance and Education Assistance Act (25 U.S.C. 450 et seq) was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management;

5. Although the Federal Government has made considerable strides in improving Indian health care, it has failed to fully meet its trust responsibilities and to satisfy its obligations to the Indian tribes under treaties and other laws;

6. Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that transferring full control and funding to tribes upon tribal request, over decision making for Federal programs, services, functions, and activities (or portions thereof) is an appropriate and effective means of implementing the Federal policy of government-to-government relations with Indian tribes; and

7. Strengthens the Federal policy of Indian self-determination.
of Health and Human Services that may be managed by an Indian tribe under this Act and to assist Indian tribes in assuming responsibility for such programs, services, functions, and activities (or portions thereof); and

(i) to provide Indian tribes with the earliest opportunity to administer programs, services, functions, and activities (or portions thereof) from throughout the Department of Health and Human Services.

SEC. 4. TRIBAL SELF-GOVERNANCE.

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

"TITLE V—TRIBAL SELF-GOVERNANCE"

"SEC. 501. DEFINITIONS.

"(a) IN GENERAL.—In this title:

"(1) CONSTRUCTION PROJECT.—The term 'construction project'—

"(A) means an organized noncontinuous undertaking to complete a specific set of predetermined objectives for the planning, environmental determination, design, construction, repair, improvement, or expansion of buildings or facilities, as described in a construction project agreement; and

"(B) does not include construction programs and activities described in paragraphs (1) through (3) of section 4(m), that may otherwise be included in a funding agreement under existing agreements under this title.

"(2) CONSTRUCTION PROJECT AGREEMENT.—

The term 'construction project agreement' means a negotiated agreement between the Secretary and an Indian tribe, that at a minimum—

"(A) establishes project phase start and completion dates;

"(B) defines a specific scope of work and standards by which it will be accomplished;

"(C) identifies the responsibilities of the Indian tribe and the Secretary;

"(D) addresses environmental considerations;

"(E) identifies the owner and operations and maintenance entity of the proposed work;

"(F) provides a budget;

"(G) establishes the duration of the agreement based on the time necessary to complete the specified scope of work, which may be 1 or more years.

"(3) GROSS MISMANAGEMENT.—The term 'gross mismanagement' means a significant, clear, and convincing violation of a compact, funding agreement, or regulatory, or statutory requirements applicable to Federal funds transferred to an Indian tribe by a compact or funding agreement that results in a significant reduction of funds available for the programs, services, functions, and activities (or portions thereof) assumed by an Indian tribe.

"(4) INHERENT FEDERAL FUNCTIONS.—The term 'inherent Federal functions' means those Federal functions which cannot legally be delegated to Indian tribes.

"(5) INTER-TRIBAL CONSORTIUM.—The term 'inter-tribal consortium' means a coalition of 2 or more separate Indian tribes that join together for the purpose of participating in self-governance, including tribal organizations.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(7) SELF-GOVERNANCE.—The term 'self-governance' means the provisions of self-governance established under section 502.

"(8) TRIBAL SHARE.—The term 'tribal share' means an Indian tribe's portion of all funds and resources that support secretarial programs, services, functions, and activities (or portions thereof) that are not required by the Secretary for performance of inherent Federal functions.

"(b) IN GENERAL.—In any case in which an Indian tribe has authorized another Indian tribe to plan, conduct, consolidate, and receive construction projects and activities (or portions thereof) on its behalf under this title, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in paragraph (7) of this title). In such event, the term 'Indian tribe' as used in this title shall include such other authorized Indian tribe, inter-tribal consortium, or tribal organization.

"SEC. 502. ESTABLISHMENT.

'The Secretary shall establish and carry out a program within the Indian Health Service of the Department of Health and Human Services to be known as the 'Tribal Self-Governance Program' in accordance with this title.

"SEC. 503. SELECTION OF PARTICIPATING INDIAN TRIBES.

"(a) CONTINUING PARTICIPATION.—Each Indian tribe that is participating in the Tribal Self-Governance Program under this title on the date of enactment of this title may elect to participate in self-governance under this title by following the procedures described in paragraphs (1) through (3) of section 4(m).

"(1) TREATMENT OF CERTAIN INDIAN TRIBES.—

"(A) IN GENERAL.—An Indian tribe that has withdrawn from participation in an inter-tribal consortium or tribal organization, that is not whole or in part, shall be entitled to participate in self-governance provided the Indian tribe meets the eligibility criteria specified in subsection (c) shall be entitled to participate in self-governance.

"(B) EFFECT OF WITHDRAWAL.—If an Indian tribe has withdrawn from participation in an inter-tribal consortium or tribal organization, that is not whole or in part, in accordance with, the withdrawal of the Indian tribe shall be carried out in a manner consistent with the funding agreement of the Indian tribe.

"(C) PARTICIPATION IN SELF-GOVERNANCE.—In no event shall the withdrawal of an Indian tribe from a tribal organization affect the eligibility of the inter-tribal consortium or tribal organization to participate in self-governance.

"(d) APPLICANT POOL.

"(1) IN GENERAL.—The qualified applicant pool for self-governance shall consist of each Indian tribe that—

"(A) successfully completes the planning phase described in subsection (d);

"(B) has requested participation in self-governance by resolution or other official action by the governing body of each Indian tribe to be served; and

"(C) has demonstrated, for 3 fiscal years, financial stability and financial management capability.

"(2) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For purposes of this subsection, evidence that an Indian tribe has met the criteria referred to in paragraph (1)(C), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the tribe's financial statements and the tribe's financial management capability shall be conclusive evidence of the required stability and capability.

"(d) PLANNING PHASE.—Each Indian tribe seeking participation in self-governance shall complete a planning phase in a manner consistent with the Federal Government's trust responsibilities, treaty obligations, and government-to-government relationships with Indian tribes and the United States.

"(e) GRANTS.—Subject to the availability of appropriations, any Indian tribe meeting the requirements of paragraph (1) (B) and (C) of subsection (c) shall be eligible for grants—

"(1) to plan for participation in self-governance; and

"(2) to negotiate the terms of participation by the Indian tribe or tribal organization in self-governance, as set forth in a compact and a funding agreement.

"(f) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under subsection (e) shall not be a requirement of participation in self-governance.

"SEC. 504. COMPACTS.

"(a) COMPACT REQUIRED.—The Secretary shall negotiate and enter into a compact with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibilities, treaty obligations, and government-to-government relationship between Indian tribes and the United States.

"(b) CONTENTS.—Each compact required under subsection (a) shall set forth the general terms of the government-to-government relationship between the Indian tribe and the Secretary, including such terms as the parties shall agree shall control after year. Such compact may be amended by mutual agreement of the parties.

"(c) EXISTING COMPACTS.—An Indian tribe participating in the Tribal Self-Governance Demonstration Project under title III on the date of enactment of this title shall have the option at any time after the date of enactment of this title to—

"(1) retain the Tribal Self-Governance Demonstration Project compact of that Indian tribe (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

"(2) instead of retaining a compact or portion thereof under paragraph (1), negotiate a new compact in a manner consistent with the requirements of this title.

"(d) TERM AND EFFECTIVE DATE.—The effective date of a compact shall be the date of the approval and execution by the Indian tribe or another date agreed upon by the parties, and shall remain in effect for so long as permitted by Federal law or until terminated by mutual written agreement, retraction, or reversion.

"SEC. 505. FUNDING AGREEMENTS.

"(a) FUNDING AGREEMENT REQUIRED.—The Secretary shall negotiate and enter into a written funding agreement with each Indian tribe participating in self-governance in accordance with the terms of the Federal Government's trust responsibilities, treaty obligations, and government-to-government relationships between Indian tribes and the United States.

"(b) CONTENTS.—Each funding agreement required under subsection (a) shall include—

"(1) legal and budgetary research; and

"(2) internal tribal government planning and organizational preparation relating to the administration of health care programs.

"SEC. 506. FUNDING AGREEMENTS.

"(a) FUNDING AGREEMENT REQUIRED.—The Secretary shall negotiate and enter into a written funding agreement with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibilities, treaty obligations, and government-to-government relationship between Indian tribes and the United States.

"(b) CONTENTS.—Each funding agreement required under subsection (a) shall set forth the general terms of the government-to-government relationship between the Indian tribe and the Secretary, including such terms as the parties shall agree shall control after year. Such compact may be amended by mutual agreement of the parties.
functions, and activities (or portions thereof), that are carried out for the benefit of Indians because of their status as Indians without regard to the agency or office of the Indian Health Service (or of such other agency) within which the program, service, function, or activity (or portion thereof) is performed.

(2) Inclusion of certain programs, services, functions, or activities in the Tribal Self-Governance Demonstration Project established under title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 452 et seq.) include all programs, services, functions, or activities (or portions thereof), including grants which may be added to a funding agreement after an award of such grants, with respect to which Indian tribes or Indians are primary or significant beneficiaries, according to judgments by the Department of Health and Human Services through the Indian Health Service and all local, field, service unit, area, regional, and central headquarters or national office functions administered under the authority of—

(A) the Act of November 2, 1921 (42 Stat. 208, chapter 115; 25 U.S.C. 13);
(B) the Act of April 16, 1934 (48 Stat. 596, chapter 147; 25 U.S.C. 452 et seq.);
(C) the Act of August 5, 1954 (68 Stat. 674, chapter 550);
(D) the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.);
(E) the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 4791 et seq.);
(F) any other Act of Congress authorizing any agency of the Department of Health and Human Services to administer, carry out, or provide for assistance to such a program, service, function or activity (or portions thereof) described in this section that is carried out for the benefit of Indians because of their status as Indians; or
(G) any other Act of Congress authorizing such a program, service, function, or activity (or portions thereof) carried out for the benefit of Indians under which appropriations are made available to any agency other than an agency within the Department of Health and Human Services, in any case in which the Secretary administers that program, service, function, or activity (or portion thereof).

(3) INCLUSION IN COMPACT OR FUNDING AGREEMENT.—It shall not be a requirement that an Indian tribe or Indians be identified in the authorizing statute for a program or element of a program to be eligible for inclusion in a compact or funding agreement under this title.

(d) FUNDING AGREEMENT TERMS.—Each funding agreement under this title shall set forth—

(1) terms that generally identify the programs, services, functions, and activities (or portions thereof) to be performed or administered; and
(2) for the items identified in paragraph (1)—

(A) the general budget category assigned;
(B) the funds to be provided, including those funds to be provided on a recurring basis;
(C) the time and method of transfer of the funds;
(D) the responsibilities of the Secretary; and
(E) any other provision with respect to which the Indian tribe and the Secretary agree.

(e) SUBSEQUENT FUNDING AGREEMENTS.—Absent notification from an Indian tribe that is withdrawing or retroceding the operation of programs, services, functions, or activities (or portions thereof) identified in a funding agreement, or unless otherwise agreed to by the parties, each funding agreement shall remain in full force and effect until a subsequent funding agreement is executed, and the terms of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

(f) EXISTING FUNDING AGREEMENTS.—Each Indian tribe participating in the Tribal Self-Governance Demonstration Project established under title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 452 et seq.) may enter into a funding agreement with the Secretary for the purpose of obtaining the benefits of Indian Self-Determination and Education Assistance Act (25 U.S.C. 452 et seq.). Such agreements shall not be terminated, removed, or otherwise modified except by mutual agreement of the Indian tribe and the Secretary, the Indian tribe or the Secretary of the Interior, or by a court of competent jurisdiction. The provisions of the prevailing funding agreement are to remain in effect until such time as the Indian tribe and the Secretary shall agree.

(1) RETROCESSION.—An Indian tribe may retrocede, fully or partially, to the Secretary, any programs, services, functions, or activities (or portions thereof) included in the compact or funding agreement. Unless the Indian tribe rescinds the request for retrocession, the agreement will become effective in the timeframe specified by the parties in the compact or funding agreement. In the absence of such a specification, such retrocession shall become effective on—

(i) the earlier of—

(A) 1 year after the date of submission of such request; or
(B) the date on which the funding agreement expires; or
(ii) such date as may be mutually agreed upon by the Indian tribe and the Secretary.

(g) WITHDRAWAL.—

(1) IN GENERAL.—An Indian tribe may fully or partially withdraw from a participating tribal consortium or tribal organization its share of any program, function, service, or activity (or portions thereof) included in a compact or funding agreement.

(ii) EFFECTIVE DATE.—The withdrawal referred to in subparagraph (A) shall become effective within the timeframe specified in the resolution which authorizes transfer to the withdrawing tribe or inter-tribal consortium. In the absence of a specific timeframe set forth in the resolution, such withdrawal shall become effective on—

(i) the earlier of—

(A) 1 year after the date of submission of such request; or
(B) the date on which the funding agreement expires; or
(ii) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian tribe, and any other tribal organization that has signed the compact or funding agreement on behalf of the withdrawing Indian tribe, inter-tribal consortium, or tribal organization.

(h) RECORDS.—

(1) IN GENERAL.—Unless an Indian tribe specifies otherwise in the compact or funding agreement, records of the Indian tribe shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

(2) RECORDKEEPING SYSTEM.—The Indian tribe shall maintain a recordkeeping system, and, after 30 days advance notice, provide the Secretary with reasonable access to such records to enable the Department of Health and Human Services to meet its minimum legal recordkeeping system requirements under sections 3101 through 3106 of title 44, United States Code.

(i) REDESIGN AND CONSOLIDATION.—An Indian tribe may redesign or consolidate programs, services, functions, or activities (or portions thereof) included in a funding agreement under section 305 and reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof) in any manner which the Indian tribe deems to be in the best interest of the health and welfare of the Indian tribe being served, only if the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law.

(1) RETROCESSION.—An Indian tribe may retrocede, fully or partially, to the Secretary, any programs, services, functions, or activities (or portions thereof) included in the compact or funding agreement. Unless the Indian tribe rescinds the request for retrocession, the agreement will become effective in the timeframe specified by the parties in the compact or funding agreement. In the absence of such a specification, such retrocession shall become effective on—

(i) the earlier of—

(A) 1 year after the date of submission of such request; or
(B) the date on which the funding agreement expires; or
(ii) such date as may be mutually agreed upon by the Indian tribe and the Secretary.

(2) AGREEMENT.—

(1) IN GENERAL.—An Indian tribe may fully or partially withdraw from a participating tribal consortium or tribal organization its share of any program, function, service, or activity (or portions thereof) included in a compact or funding agreement.

(2) EFFECTIVE DATE.—The withdrawal referred to in subparagraph (A) shall become effective within the timeframe specified in the resolution which authorizes transfer to the withdrawing tribe or inter-tribal consortium. In the absence of a specific timeframe set forth in the resolution, such withdrawal shall become effective on—

(i) the earlier of—

(A) 1 year after the date of submission of such request; or
(B) the date on which the funding agreement expires; or
(ii) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian tribe, and any other tribal organization that has signed the compact or funding agreement on behalf of the withdrawing Indian tribe, inter-tribal consortium, or tribal organization.

(3) RECORDS.—

(1) IN GENERAL.—Unless an Indian tribe specifies otherwise in the compact or funding agreement, records of the Indian tribe shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

(2) RECORDKEEPING SYSTEM.—The Indian tribe shall maintain a recordkeeping system, and, after 30 days advance notice, provide the Secretary with reasonable access to such records to enable the Department of Health and Human Services to meet its minimum legal recordkeeping system requirements under sections 3101 through 3106 of title 44, United States Code.

(3) REDESIGN AND CONSOLIDATION.—An Indian tribe may redesign or consolidate programs, services, functions, or activities (or portions thereof) included in a funding agreement under section 305 and reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof) in any manner which the Indian tribe deems to be in the best interest of the health and welfare of the Indian tribe being served, only if the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law.

(4) RETROCESSION.—An Indian tribe may retrocede, fully or partially, to the Secretary, any programs, services, functions, or activities (or portions thereof) included in the compact or funding agreement. Unless the Indian tribe rescinds the request for retrocession, the agreement will become effective in the timeframe specified by the parties in the compact or funding agreement. In the absence of such a specification, such retrocession shall become effective on—

(i) the earlier of—

(A) 1 year after the date of submission of such request; or
(B) the date on which the funding agreement expires; or
(ii) such date as may be mutually agreed upon by the Indian tribe and the Secretary.

(5) AGREEMENT.—

(1) IN GENERAL.—An Indian tribe may fully or partially withdraw from a participating tribal consortium or tribal organization its share of any program, function, service, or activity (or portions thereof) included in a compact or funding agreement.

(2) EFFECTIVE DATE.—The withdrawal referred to in subparagraph (A) shall become effective within the timeframe specified in the resolution which authorizes transfer to the withdrawing tribe or inter-tribal consortium. In the absence of a specific timeframe set forth in the resolution, such withdrawal shall become effective on—

(i) the earlier of—

(A) 1 year after the date of submission of such request; or
(B) the date on which the funding agreement expires; or
(ii) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian tribe, and any other tribal organization that has signed the compact or funding agreement on behalf of the withdrawing Indian tribe, inter-tribal consortium, or tribal organization.

(3) RECORDS.—

(1) IN GENERAL.—Unless an Indian tribe specifies otherwise in the compact or funding agreement, records of the Indian tribe shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

(2) RECORDKEEPING SYSTEM.—The Indian tribe shall maintain a recordkeeping system, and, after 30 days advance notice, provide the Secretary with reasonable access to such records to enable the Department of Health and Human Services to meet its minimum legal recordkeeping system requirements under sections 3101 through 3106 of title 44, United States Code.

(3) REDESIGN AND CONSOLIDATION.—An Indian tribe may redesign or consolidate programs, services, functions, or activities (or portions thereof) included in a funding agreement under section 305 and reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof) in any manner which the Indian tribe deems to be in the best interest of the health and welfare of the Indian tribe being served, only if the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law.
this title through a self-determination contract under title I, at the option of the Indian tribe, the resulting self-determination contract shall be a mature self-determination contract under this title.

(h) NONDUPlication.—For the period for which, and to the extent to which, funding is provided under this title or under the compact or funding agreement, the Indian tribe shall not be entitled to contract with the Secretary for such funds under section 102, except that such Indian tribe shall be eligible for new programs on the same basis as other Indian tribes.

SEC. 502. PROVISIONS RELATING TO THE SELF-DETERMINATION CONTRACT PROCESS.

(a) MANDATORY PROVISIONS.—

(I) HEALTH STATUS REPORTS.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision that requires the Indian tribe to report on health status and service delivery.

(ii) To the extent such data is not otherwise available to the Secretary and specific funds for this purpose are provided by the Secretary under the funding agreement; and

(iii) if such reporting shall impose minimal burdens on the participating Indian tribe and such requirements are promulgated under section 103.

(2) REASSUMPTION.—

(A) IN GENERAL.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision authorizing the Secretary to re-establish operation of a program, service, function, or activity (or portion thereof) that is the subject of the final offer in a manner that would not result in significant danger or risk to the public health.

(B) Technical assistance to overcome the objections stated in the notification required by subparagraph (A).

(C) The Indian tribe with the option of entering into the severable portions of a final proposed compact or funding agreement, or provision thereof, including a lesser funding amount, or any offer made under subsection (b) (or 1 or more provisions or funding levels in such offer), the Secretary shall provide—

(i) a timely written notification to the Indian tribe that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that—

(ii) the amount of funds proposed in the final offer exceeds the applicable funding amount, if any), that the Secretary did not provide funds under a funding agreement, pursuant to section 110(a); or

(iii) the Indian tribe cannot carry out the program, service, function, or activity (or portion thereof) in a manner that would not result in significant danger or risk to the public health.

(iv) The Indian tribe is not eligible to participate in self-governance under section 503.

(C) The Secretary may, upon written notice and a hearing on the record to the Indian tribe, re-establish operation of a program, service, function, or activity (or portion thereof) that is the subject of the final offer in a manner that would not result in significant danger or risk to the public health.

(v) the Indian tribe has not taken corrective action to remedy the imminent endangerment to public health caused by an act or omission of the Indian tribe, and the imminent endangerment arises out of a failure to carry out the compact or funding agreement.

(vi) gross mismanagement with respect to funds transferred to a tribe by a compact or funding agreement, as determined by the Secretary in consultation with the Inspector General, as appropriate.

(B) PROHIBITION.—The Secretary shall not re-establish operation of a program, service, function, or activity (or portion thereof) unless—

(i) the Secretary has first provided written notice and a hearing on the record to the Indian tribe, and

(ii) the Indian tribe has not taken corrective action to remedy the imminent endangerment to public health or gross mismanagement.

(C) EXCEPTION.—

(i) IN GENERAL.—Notwithstanding subparagraph (B), the Secretary may, upon written notice to the Indian tribe, immediately re-establish operation of a program, service, function, or activity (or portion thereof) if—

(i) the Secretary makes a finding of imminent substantial and irreparable endangerment of the public health caused by an act or omission of the Indian tribe; and

(ii) the endangers arises out of a failure to carry out the compact or funding agreement.

(ii) REASSUMPTION.—If the Secretary re-assumes operation of a program, service, function, or activity (or portion thereof) under this subparagraph, the Secretary shall provide the Indian tribe with a hearing on the record 30 days after such reassumption.

(D) EARRINGS.—In any hearing or appeal involving a decision to re-establish operation of a program, service, function, or activity (or portion thereof), the Secretary shall have the burden of proof in demonstrating by clear and convincing evidence the validity of the grounds for the reassumption.

(B) FINAL OFFER.—In the event the Secretary and a participating Indian tribe are unable to agree (in whole or in part) on the terms of a compact or funding agreement (including funding levels), the Indian tribe shall have 10 days to make such savings available to the Secretary and the Indian tribe shall retain the right to appeal the Secretary's decision to make such savings available to the Secretary, inter-tribal consortia, or tribal organizations for the provision of additional services to program beneficiaries in a manner that directly served, contracted, and compacted programs.

(C) EJECTION.—The Secretary, is prohibited from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions.

(D) DECISIONMAKER.—A decision that constitutes final agency action and relates to an appeal within the Department of Health and Human Services conducted under subsection (c) shall be made by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

(2) by an administrative judge.

SEC. 505. TRANSFER OF FUNDS.

(A) IN GENERAL.—Pursuant to the terms of any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian tribe all funds for Federal programs or services, for periods covered by joint resolution adopt­ed by Congress making continuing appropri­ations, to the extent permitted by such resolutions. In any instance where a funding agreement requires an annual transfer of funding to be made at the beginning of a fiscal year, or requires semianual or other periodic transfers of funding to be made commencing at the beginning of a fiscal year, the first such transfer shall be made no later than 10 days after the apportion­ment of such funds by the Office of Manage­ment and Budget to the Department, unless the funding agreement provides otherwise.

(B) The Secretary may employ, upon tribal request, multiyear funding agreements. References in this title to funding agreements shall include such multiyear funding agreements.

(C) AMOUNT OF FUNDING.—The Secretary shall provide funds under a funding agreement pursuant to this title in an amount equal to the amount that the Indian tribe would have been entitled to receive under self-deter­mining contracts under this Act, including for direct payment to the Secretary under section 110(a)(1) and amounts for contract support costs specified under section 106(a)(2), (3), (5), and (6), including any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the Indian tribe or its mem­bers, all without regard to the organiza­tion of Federal funding to the Department where such functions are carried out.

(D) PROHIBITIONS.—

(i) IN GENERAL.—Except as provided in paragraph (2), the Secretary is expressly pro­hibited from—

(A) failing or refusing to transfer to an Indian tribe its full share of any central, regional, or service unit office or other funds due under this Act, except as required by Federal law;
"(B) withholding portions of such funds for transfer over a period of years; and
"(C) reducing the amount of funds required under this Act.

"(i) funding available for self-governance monitoring or administration by the Secretary;
"(ii) in subsequent years, except pursuant to—
"(I) a reduction in appropriations from the previous fiscal year for the program or function to be included in a compact or funding agreement;
"(II) a congressional directive in legislation or accompanying report;
"(iii) a tribal authorization;
"(IV) the amount of pass-through funds subject to the terms of the funding agreement;
"(V) completion of a project, activity, or program for which such funds were provided;
"(vi) to pay for Federal functions, including Federal pay costs, Federal employee retirement benefits, automated data processing, technical aspects of fund monitoring and activities under this Act; or
"(vii) to pay for costs of Federal personnel displaced by self-determination contracts under this Act.

"(2) EXCEPTION.—The funds described in paragraph (1)(C) may be increased by the Secretary if necessary to carry out this Act or as provided in paragraph (1)(E).

"(e) OTHER RESOURCES.—In the event an Indian tribe elects to carry out a compact or funding agreement with the use of Federal personnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, airline transportation, and other means of transportation including the use of interagency motor pool vehicles) or other Federal resources (including supplies, services, facilities, Federal automakers employed by contractors and subcontractors in the construction, alteration, or repair, including painting or decorating of a building or other facilities in connection with construction projects undertaken by self-governance Indian tribes under this Act, shall be paid wages at not less than those prevailing wages on similar construction in the locality as determined by the Indian tribe.

"SEC. 508. CONSTRUCTION PROJECTS.

"(a) IN GENERAL.—Indian tribes participating in tribal self-governance may carry out construction projects under this title if they elect to assume all Federal responsibilities for comparable projects.

"(b) NONTITLE III PROVISIONS.—The funds described in section 506(a) shall be used for the construction projects authorized in section 506(a) in a manner consistent with the provisions of the Office of Federal Procurement Regulations and regulations in a manner consistent with such laws.

"SEC. 509. CONTRACTS WITH FEDERAL AGENCIES.

"(a) IN GENERAL.—The Indian tribe and the Secretary shall enter into a compact or funding agreement with the Indian tribe for the purpose of carrying out construction projects, at the request of the Indian tribe, under this Act.

"(b) CONTRACTUAL RIGHTS AND OBLIGATIONS.—The Indian tribe and the Secretary shall carry out construction projects under this Act consistent with the provisions of Federal procurement laws and regulations.

"SEC. 510. FEDERAL PROCUREMENT LAWS AND REGULATIONS.

"(a) CONTRACT DEFINED.—For the purposes of section 110, the term 'contract' shall include any contract, agreement, or other compact entered into under this title.

"(b) APPLICABILITY OF CERTAIN LAWS.—Section 2003 of the Revised Statutes (25 U.S.C. 571 et seq.) shall apply to any construction project undertaken under this Act to section 1 of the Act of June 26, 1936 (49 Stat. 1967; chapter 831) are hereby deemed to apply to any construction project undertaken under this Act.

"SEC. 511. CIVIL ACTIONS.

"(a) CONTRACT DEFINED.—For the purposes of section 110, the term 'contract' shall include any compact or funding agreement entered into under this title.

"(b) APPLICABILITY OF CERTAIN LAWS.—Section 2003 of the Revised Statutes (25 U.S.C. 571 et seq.) shall apply to any construction project entered into under this title.

"(c) REFERENCES.—All references in this Act to section 1 of the Act of June 26, 1936 (49 Stat. 1967; chapter 831) are hereby deemed to include the first section of the Act of July 3, 1952 (66 Stat. 323, chapter 549; 25 U.S.C. 82a).

"SEC. 512. FACILITATION.

"(a) SECRETARIAL INTERPRETATION.—Except as otherwise provided, in any case in which the Secretary shall interpret all Federal laws, Executive orders and regulations in a manner that will facilitate—
"(I) the inclusion of programs, services, functions, and activities (or portions thereof) and funds associated therewith, in the agreements entered into under this section;
"(II) the implementation of contracts and funding agreements entered into under this title; and
"(III) the achievement of tribal health goals and objectives.

"(b) REGULATION WAIVER.—In general.—An Indian tribe may subm
into the Indian Health Service under this title, to the Secretary identifying the applicable Federal regulation sought to be waived and the basis for the request.

(2) FUNDING.—Not later than 90 days after receipt by the Secretary of a written request by an Indian tribe to waive application of a regulation for a compact or funding agreement entered into under this title, the Secretary shall either approve or deny the requested waiver in writing. A denial may be made only upon a specific finding by the Secretary that the requested waiver is prohibited by Federal law. A failure to approve or deny a waiver request not later than 90 days after receipt by the Secretary of a written request for approval of such request. The Secretary’s decision shall be final for the Department.

(c) ACCESS TO FEDERAL PROPERTY.—In connection with any compact or funding agreement entered pursuant to this title or an agreement negotiated under the Tribal Self-Governance Demonstration Project established under title III, as in effect before the enactment of the Tribal Self-Governance Amendments of 1999, upon the request of an Indian tribe—

(1) shall permit an Indian tribe to use existing school buildings, hospitals, and other facilities and all equipment therein or appurtenant thereto, and all personal property owned by the Government within the Secretary’s jurisdiction under such terms and conditions as may be agreed upon by the Secretary and the Indian tribe for their use and maintenance;

(2) may donate to an Indian tribe title to any personal or real property found to be excess to the needs of any agency of the Department, or the General Services Administration, except that—

(A) subject to the provisions of subparagraph (B), all personal property and equipment furnished by the Federal Government for use in the performance of the compact or funding agreement or purchased with funds under any compact or funding agreement shall, unless otherwise requested by the Indian tribe, vest in the appropriate Indian tribe;

(B) if property described in subparagraph (A) has a value in excess of $5,000 at the time of retrocession, withdrawal, or reassignment, at the option of the Secretary upon the retrocession, withdrawal, or reassignment, title to such personal property and equipment shall revert to the Department of Health and Human Services;

(C) the property referred to in subparagraph (A) shall remain eligible for replacement, maintenance, and improvement on the same basis as if it were property vested in the United States, and

(3) shall acquire excess or surplus Government personal or real property for donation to an Indian tribe if the Secretary determines that the property is appropriate for use by the Indian tribe for any purpose for which a compact or funding agreement is authorized under this title.

(d) MATCHING OR COST-PARTICIPATION REQUIREMENT.—All funds provided under compacts, funding agreements, or grants made pursuant to this Act, shall be treated as non-Federal funds for matching or cost participation requirements under any other Federal or non-Federal program.

(e) APPLICATION OF OTHER SECTIONS OF THE ACT.—Statutes are hereby authorized and encouraged to enact legislation, and to enter into agreements with Indian tribes to facilitate and supplement the initiation of programs, and policies regulated or authorized by this title and other Federal laws benefiting Indians and Indian tribes.

(f) RULES OF CONSTRUCTION.—Each provision of this Act, or any rules or regulations promulgated under this Act, shall be liberally construed for the benefit of the Indian tribe participating in self-governance and any ambiguity shall be resolved in favor of the Indian tribe.

SEC. 514. BUDGET REQUEST.

(a) REQUIREMENT OF ANNUAL BUDGET REQUEST.—

(1) IN GENERAL.—The President shall identify in the annual budget request submitted under section 1105 of title 31, United States Code, all funds necessary to fully fund all funding agreements authorized under this title, including funds specifically identified in the Tribal Self-Governance Amendments of 1999. All funds so appropriated shall be apportioned to the Indian Health Service. Such funds shall be used to provide Tribal Self-Governance which shall be responsible for distribution of all funds provided under section 505.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Indian Health Service to reduce the amount of funds that a self-governance tribe is otherwise entitled to receive under its funding agreement or other applicable law, whether or not such funds are apportioned to the Office of Tribal Self-Governance under this section.

(b) PRESENT FUNDING; SHORTFALLS.—In such budget request, the President shall identify the level of funding necessary to meet any shortfall in funding (including direct program and contract support costs) for each Indian tribe, either directly by the Secretary or indirectly under a Federal fund, under self-determination contracts, or under compacts and funding agreements authorized under this title.

SEC. 515. REPORTS.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than January 1 of each year after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a written report regarding the administration of this title.

(2) ANALYSIS.—The report under paragraph (1) shall include a detailed analysis of the level of need being presently funded or unfunded for each Indian tribe, either directly by the Secretary, under self-determination contracts under title I, or under compacts and funding agreements authorized under this Act. In compiling reports pursuant to this section, the Secretary may not impose any reporting requirements on participating Indian tribal organizations, not otherwise provided in this Act.

(b) CONTENTS.—The report under subsection (a) shall—

(1) be compiled from information contained in funding agreements, annual audit reports, and data of the Secretary regarding the disposition of Federal funds; and

(2) identify—

(A) the relative costs and benefits of self-governance;

(B) with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to self-governance Indian tribes and their members;

(C) the funds transferred to each self-governance Indian tribe and the corresponding reduction in the Federal bureaucracy;

(D) the funding formula for individual tribal shares of all headquarters funds, together with the comments of affected Indian tribes or tribal organizations, developed under section 516(a) and (c); and

(E) amounts expended in the preceding fiscal year to carry out inherent Federal functions, including an identification of those functions the inclusion of which in a compact or funding agreement, such incorporation shall be deemed effective immediately to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements;

(3) before being submitted to Congress, be distributed to the Indian tribes for comment, not later than 30 days, beginning on the date of distribution; and

(4) include the separate views and comments of the Indian tribes or tribal organizations.

(c) REPORT ON FUND DISTRIBUTION METHOLOGY.—Not later than 180 days after the date of enactment of the Tribal Self-Governance Amendments of 1999, the Secretary shall, after consultation with Indian tribes, submit a written report to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate that describes the methods or methods used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements.

SEC. 515. DISCLAIMERS.

(a) NO FUNDING REDUCTION.—Nothing in this title shall be construed to limit or reduce any way the responsibility of the United States to Indian tribes and individual Indians that exists under treaties, Executive orders, or other laws and court decisions.

(b) TRIBAL EMPLOYMENT.—For purposes of section 2(2) of the Act of July 5, 1935 (49 Stat. 400, chapter 370) (commonly known as the ‘‘National Labor Relations Act’’), an Indian tribe carrying out a self-determination contract, compact, annual funding agreement, or contract under title I, or under a Federal fund, under self-determination contracts, or under compacts and funding agreements authorized under this Act shall be deemed an employer.

(c) OBLIGATIONS OF THE UNITED STATES.—The Indian Health Service under this Act shall not be considered an employer of individuals who may have the economic means to pay for services, nor require any Indian tribe to do so.

SEC. 516. APPLICATION OF OTHER SECTIONS OF THE ACT.

(a) MANDATORY APPLICATION.—All provisions of sections 5(b), 6, 7, 102 (c) and (d), 104, 105 (k) and (l), 106 (a) through (k), and 111 of this Act and section 314 of Public Law 101–512 (coverage under chapter 171 of title 28, United States Code, commonly known as the ‘‘Federal Tort Claims Act’’) shall not be considered to diminish in any way the trust responsibility of the United States to Indian tribes and individual Indians that exists under treaties, Executive orders, or other laws and court decisions.

(b) DISCRETIONARY APPLICATION.—At the request of a participating Indian tribe, any other provision of title I, to the extent such provision is not in conflict with this title, shall be made a part of a funding agreement or compact entered into under this title. The Secretary is obligated to include such provision at the option of the participating Indian tribe(s). If such provision is incorporated into such agreement it shall have the same force and effect as if it were set out in full in this title. In the event an Indian tribe requests such inclusion under the provisions of a compact or funding agreement, such incorporation shall be deemed effective immediately.
TITLE VI—TRIBAL SELF-GOVERNANCE—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 601. DEFINITIONS.

(a) IN GENERAL.—In this title, the Secretary may apply the definitions contained in title V.

(b) OTHER DEFINITIONS.—In this title:

(1) The term ‘self-governance’ means any agency or other organizational unit of the Department of Health and Human Services, other than the Indian Health Service.

(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

SEC. 602. DEMONSTRATION PROJECT FEASIBILITY.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of a tribal self-governance demonstration project for appropriate programs, services, functions, and activities (or portions thereof) of the agency.

(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider:

(1) the probable effects on specific programs and program beneficiaries of such a demonstration project;

(2) statutory, regulatory, or other impediments to implementation of such a demonstration project;

(3) strategies for implementing such a demonstration project;

(4) probable costs or savings associated with such a demonstration project;

(5) methods to assure quality and accountability in such a demonstration project; and

(6) such other issues that may be determined by the Secretary through open consultation pursuant to section 603.

(c) REPORT.—Not later than 18 months after the date of enactment of this title, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives. The report shall contain:

(1) the results of the study under this section;

(2) a list of programs, services, functions, and activities (or portions thereof) within each agency with respect to which it would be feasible to include in a tribal self-governance demonstration project;

(3) a list of programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) that could be included in a tribal self-governance demonstration project without amending or developing regulations that the Secretary may not waive;

(4) a list of legislative actions required in order to include those programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) but not included in the list provided pursuant to paragraph (3) in a tribal self-governance demonstration project; and

(5) any separate views of tribes and other entities consulted pursuant to section 603 related to the information provided pursuant to paragraphs (1) through (4).

SEC. 603. CONSULTATION.

(a) STUDY PROTOCOL.

(1) CONSULTATION WITH INDIAN TRIBES.—The Secretary shall consult with Indian tribes to determine a protocol for consultation under subsection (b) prior to consultation under subsection (a).

(2) REQUIREMENTS FOR PROTOCOL.—The protocol shall require, at a minimum, that—

(A) the protocol, in part, is negotiable; and

(B) the Indian tribes and the Secretary jointly conduct the consultations required by this section; and

(3) the consultation process allows for seminars, direct negotiations, or other provisions from the Indian tribes and other entities described in subsection (b).

(b) CONDUCTING STUDY.—In conducting the study under this title, the Secretary shall consult with Indian tribes, States, counties, municipalities, program beneficiaries, and interested public interest groups, and may consult with other entities as appropriate.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 2000 and 2001 such sums as may be necessary to carry out this title. Such sums shall remain available until expended.

SEC. 6. AMENDMENTS CLARIFYING CIVIL PROCEEDINGS.

Section 102(e)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i(e)(1)) is amended by inserting after subsection (b)(3) the following: ‘‘or any civil action conducted pursuant to section 110(a).’’

SEC. 7. SPEEDY ACQUISITION OF GOODS, SERVICES, OR SUPPLIES.

Section 105(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450k) is amended by adding at the end the following:

‘‘(1) by striking ‘‘deemed an executive agency’’ and inserting ‘‘deemed an executive agency and part of the Indian Health Service’’ and

‘‘(2) by adding at the end the following: ‘‘For purposes of carrying out this section, the Secretary may apply the definitions contained in title V. Any action or proceeding under such provisions of title V (or any civil action conducted pursuant to such title) shall be deemed to be a judicial proceeding for purposes of the Federal Rules of Civil Procedure.’’.’’

SEC. 8. PATIENT RECORDS.

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j) is amended by adding at the end the following:

‘‘(g) PATIENT RECORDS.—

‘‘(1) IN GENERAL.—At the option of an Indian tribe or tribal organization, patient records may be deemed to be Federal records under those provisions of title 44 United States Code, that are commonly referred to as the ‘Federal Records Act of 1950’ for the limited purposes of making such records eligible for storage by Federal Records Centers to the same extent and in the same manner as other Department of Health and Human Services patient records.

‘‘(2) TREATMENT OF RECORDS.—Patient records that are deemed to be Federal records under those provisions of title 44 United States Code, that are commonly referred to as the ‘Federal Records Act of 1950’ pursuant to this subsection shall not be considered Federal records for the purposes of chapter 5 of title 5, United States Code.’’.

SEC. 9. ANNUAL REPORTS.

Section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1) is amended—

(1) by redesignating subsections (c) through (n) as subsections (d) through (r), respectively;

(2) by inserting after subsection (b), the following:
"(c) Annual Reports.—Not later than May 15 of each year, the Secretary shall prepare and submit to Congress an annual report on the implementation of this Act. Such report shall include—

"(1) an accounting of the total amounts of funds provided for each program and the budget activity for direct program costs and contracts with all contractors for the fiscal year for which the report is being submitted;

"(2) the indirect cost rate and type of rate for each tribal organization that has been negotiated and approved by the appropriate Secretary;

"(3) the indirect cost base and type of base from which the indirect cost rate is determined for each tribal organization;

"(4) the indirect cost pool amounts and the types of costs included in the indirect cost pool; and

"(5) an accounting of any deficiency in funds needed to maintain the preexisting level of services to any Indian tribes affected by contracting activities under this Act, and a statement of the amount of funds needed for transitional purposes to enable contracts to convert from a Federal fiscal year accounting cycle, as authorized by section 105(d)."

SEC. 10. REPEAL.

(a) In General.—Title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 note) is repealed.

(b) Effective Date.—This section shall take effect on October 1, 1999.

SEC. 11. SAVINGS PROVISION.


SEC. 12. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) Establishment.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health in order to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes—

(1) facilitate advocacy for the development of appropriate Indian health policy; and

(2) promote collaboration on matters related to Indian health.

(b) Assistant Secretary for Indian Health.—In addition to the functions performed by the Assistant Secretary for Indian Health, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services (referred to in this section as the "Secretary") may designate. The Assistant Secretary for Indian Health shall—

(1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(2) report directly to the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(3) advise the Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(4) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility; and

(5) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.

(c) References.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer to the Assistant Secretary for Indian Health.

(d) Repeal of Title VI.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(A) by striking the following:

"Assistant Secretaries of Health and Human Services";

(B) by inserting the following:

"Assistant Secretaries of Health and Human Services";

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking the following:

"Director of the Indian Health Service, Department of Health and Human Services.";

(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH.—Section 603(a) of the Indian Health Care Improvement Act (25 U.S.C. 1681(a)) is amended—

(1) by inserting "(1) after "(a)";

(2) in the second sentence of paragraph (1), as so designated, by striking "a Director," and inserting "the Assistant Secretary for Indian Health.";

(3) by striking the third sentence of paragraph (1) and all that follows through the period at the end of the sentence inserting the following: "The Assistant Secretary for Indian Health shall carry out the duties specified in paragraph (2)."

(2) The Assistant Secretary for Indian Health shall—

(A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(C) advise the Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

(E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.

(f) Continued Service by Incumbent.—The individual serving in the position of Director of the Indian Health Service on the date preceding the date of enactment of this Act may serve as Assistant Secretary for Indian Health, at the pleasure of the President, after the date of enactment of this Act.

(g) Conforming Amendments.—

(1) Amendments to Indian Health Care Improvement Act.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended—

(A) in section 601—

(i) in subsection (c), by striking "Director of the Indian Health Service" both places it appears and inserting "Assistant Secretary for Indian Health";

(ii) in subsection (d), by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health";

(2) Amendments to Other Provisions of Law.—The provisions of this Act, as amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health".

(A) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)(1)),

(B) Sections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377 (b) and (e)),

(C) Section 8028(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 299b–2(d)(1)).

SEC. 13. APPLICATION TO ALASKA.

(a) Notwithstanding any other provision of law, nothing in this Act, the amendments made thereby, or its implementation, shall affect—

(1) the right of the Consortium or Southcentral Foundation to carry out the programs, functions, services and activities as specified in section 325 of Public Law 105–83 (111 Stat. 55–56), or

(2) the provisions in section 351 of section 101(e) of Division A, Public Law 105–277.

(b) Section 351 of section 101(e) of Division A, Public Law 105–277 and section 326 of Public Law 105–83 (111 Stat. 57) are amended by inserting "as amended" after the phrase "Public Law 93–638 (25 U.S.C. 450 et seq.)" where such phrase appears in each section.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, April 5, 2000, at 9:30 a.m. to markup the nomination of Thomas N. Sloanker, to be Special Trustee for American Indians, to serve in the Department of the Interior, and to conduct a hearing on S. 612, "the Indian Needs Assessment and Program Evaluation Act of 1999." The hearing will be held in the committee room, 485 Russell Senate Office Building.

Those wishing additional information may contact Committee staff at 224–2251.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MccAIN. Mr. President, I would like to announce that the Committee on Commerce, Science, and Transportation will meet for an executive session on Thursday, April 13, 2000, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 4, 2000, at 9:30 a.m., in open session to receive testimony in connection with the arrest of U.S. suspects involved in the narcotics activities in the Andean Ridge and neighboring countries. The PRESIDING OFFICER. Without objection, it is so ordered.