Following a disastrous 6-day water outage last October, the Jicarilla investigated and disclosed the serious condition of the tribe’s water system. Acting immediately to address the problem, the tribe promptly contacted the Bureau of Indian Affairs, the Indian Health Service, the Environmental Protection Agency, and other entities for help in alleviating their situation. Yet, due to the budget constraints and other impediments, these agencies were unable to provide financial assistance or take any other substantial action to address the problem.

In particular, the Bureau of Indian Affairs, having found itself to be poorly suited for the operation and maintenance of a tribal water system, has discontinued its policy of operating its own tribal water systems in favor of transferring ownership directly to the tribes. Unfortunately, however, the dangerous condition of the Jicarilla water system precludes its transfer to the tribe until it has been rehabilitated.

Fortunately, the Bureau of Reclamation is appropriately suited to assist the Jicarilla Apache and the BIA in assessing the feasibility of the rehabilitation of the tribe’s water system.

In consultation with the Jicarilla Apache Tribe, the Bureau of Reclamation has indicated both its willingness and ability to complete the feasibility study should it be authorized to do so as required by law.

Recognizing this as the most promising solution for addressing the serious water safety problems plaguing the Jicarilla, I and my fellow cosponsors introduced this bill to allow this important process to move forward. I hope the rest of our colleagues will join us in passing this bill to remedy this distressing situation.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding to me. I simply rise in support of the legislation that he and other Members of the delegation have supported and brought to the floor and committed to working on behalf of the Apache Reservation, due to the fact that the Environmental Protection Agency has found these very serious violations.

I think in fact that this legislation does what is necessary, and that is, to redeem the trust responsibility of the Federal Government to ensure that this Federal water system supplies the tribe with water that is safe and adequate to meet the health, economic, and industrial needs of the Jicarilla Apaches. I want to thank the gentleman for bringing this matter to the floor and urge support of this legislation.

Mr. Speaker, H.R. 3051 directs the Secretary of Interior to conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the residents of the Jicarilla Apache Reservation in New Mexico. The study is to be conducted by the Bureau of Reclamation and in consultation and cooperation with the tribe. Further, the bill provides a report be submitted to Congress 1 year after funds are appropriated to carry out the study and authorizes $200,000 to implement the provisions of the legislation.

The Jicarilla Apache Reservation was established in 1887 by the Bureau of Indian Affairs, which continues to own the system. It is dilapidated and cannot safely and adequately address the current or future needs of the tribe. The system has been cited by the Environmental Protection Agency (EPA) for violations of Safe Drinking Water Standards. It poses a severe health threat to the community and impedes economic development by the tribe. In addition, the system has been unable to meet the minimum Federal water requirements necessary for discharging wastewater into a public watercourse and has been operating without a Federal discharge permit.

Over the last several years the tribe has spent over $4.5 million in tribal funds for repair and replacement of portions of the system. This patchwork process will not address the overall problems with the system as it need to be overhauled or replaced. The Federal Government has a trust responsibility to ensure that the Federal water system supplies to the tribe is safe and adequate to meet the health, economic and environmental needs of tribal members.

I want to commend our colleague, Mr. Tom Udall from New Mexico, for his hard work in getting this bill before us today. It is an important first step toward ensuring future health and economic progress for the Jicarilla Apache Tribe. I urge my colleagues to support the bill.

Mr. UDALL of New Mexico. Mr. Speaker, I also, just to finally summarize here, want to thank very much the gentleman from Utah (Mr. Hansen), chairman of the Subcommittee on National Parks and Public Lands, for his hard work on this and for his being able to address this very quickly.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion of Mr. Udall to amend the bill by inserting the text of H.R. 1167, the Tribal Self-Governance Amendments of 1999.

Mr. HANSEN, Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1167) to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes, as amended.

The Clerk reads as follows:

H.R. 1167

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

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-governance 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-Determination and Education Assistance Act (25 U.S.C. 450f note) was designed to improve and interpret the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management;

(5) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that transferring full control and funding to tribal governments, upon tribal request, over decision making for Federal programs, services, functions, and activities (or portions thereof)—

(A) is an appropriate and effective means of implementing the Federal policy of government-to-government relations with Indian tribes; and

(B) strengthens the Federal policy of Indian self-determination.

SEC. 3. DECLARATION OF POLICY.

It is the policy of Congress to—

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

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

(3) enable the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

(4) 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 programs and services to programs and services provided by Indian tribes with meaningful authority, 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 Federal domination of programs and 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) from throughout the Department of Health and Human Services that may be managed by an Indian tribe; and
(I) to provide Indian tribes with the earliest opportunity to administer programs, services, functions, and activities (or portions thereof) from 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 new titles:

"TITLE V—TRIBAL SELF-GOVERNANCE"

"SEC. 501. ESTABLISHMENT.
The Secretary of Health and Human Services 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. 502. DEFINITIONS.
"(a) In general.—For purposes of this title—
"(1) the term "construction project" means an organized noncontinuous undertaking to complete a specific set of predetermined objectives for the planning, environmental determination, design, construction, improvement, or expansion of buildings or facilities, as described in a construction project agreement. The term "construction project" does not mean construction programs or services that are performed in paragraphs (1) through (3) of section 4(m), which may otherwise be included in a funding agreement; and
"(2) the term "construction project agreement" means a negotiated agreement between the Secretary and an Indian tribe which 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; and
"(D) addresses environmental considerations; and
"(E) establishes the owner and operations maintenance entity of the proposed work;
"(F) provides a budget;
"(G) describes the construction process; and
"(H) 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;
"(I) the term "inherent Federal functions" means those Federal functions which cannot legally be delegated to Indian tribes;
"(J) the term "inter-tribal consortium" means a coalition of two or more separate Indian tribes that join together for the purpose of participating in self-governance, including, but not limited to, a tribal organization;
"(K) the term "inherent function" means a significant, clear, and convincing violation of compact, funding agreement, or regulatory, or the Indian tribe has requested assistance in organizing an inter-tribal consortium to carry out the Tribal Self-Governance Program; and
"(L) the term "inherent tribally administered program, service, function, or activity (or portion thereof) is required by the Indian tribe, as determined by law, by treaty, or by agreement between the Secretary and the Indian tribe.

"(b) CONTENTS.—Each funding agreement required under subsection (a) shall set forth the general terms of the government-to-government relationship between Indian tribes and the Secretary, including such terms as the parties intend shall control year after year. Such compacts may only 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 thereafter to—
"(1) retain its Tribal Self-Governance Demonstration Project compact (in whole or in part) to the extent the provisions of such compact are not directly contrary to any express provision of this title, or
"(2) negotiate in lieu thereof (in whole or in part) a new compact in conformity with this title.

"(d) PLANNING PHASE.—Each Indian tribe entering into a written agreement for self-governance shall complete a planning phase. The planning phase shall be conducted to the satisfaction of the Indian tribe and 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. 503. COMPACTS.
"(a) COMPACT REQUIRED.—The Secretary shall negotiate and enter into a written compact with each Indian tribe participating in self-governance in a manner consistent with the Federal Government's trust responsibility, treaty obligations, and the 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 Indian tribes and the Secretary, including such terms as the parties intend shall control year after year. Such compacts may only 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 thereafter to—
"(1) retain its Tribal Self-Governance Demonstration Project compact (in whole or in part) to the extent the provisions of such compact are not directly contrary to any express provision of this title, or
"(2) negotiate in lieu thereof (in whole or in part) a new compact in conformity with this title.

"(d) TERM AND EFFECTIVE DATE.—The effective date of a compact shall be the date of the approval and execution of the date 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, retroactive in accordance with the compact agreement.

"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 a manner consistent with the Federal Government's trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

"(b) CONTENTS.—Each funding agreement required under subsection (a) shall, as determined by the Indian tribe, authorize the Indian tribe to plan, conduct, consolidate, administer, and receive full tribal share funding, including tribal shares of Indian Health Service competitive grants (including congressionally earmarked competitive grants), for all programs, services, functions, and activities (or portions thereof), that are carried out for the benefit of Indians within the area and that are in the best interest of the tribe. Subject to the availability of appropriations, any Indian tribe meeting the requirements of paragraphs (2) and (3) 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.

"(c) GRANT NOT REQUIRED.—Receipt of a grant under subsection (e) shall not be a requirement of participation in self-governance.
thereof) where Indian tribes or Indians are pri-
mary beneficiaries, and (ii) any program, service, or activity funded by the Department of Health and Human Servic-
es through the Indian Health Service and grants (which may be added to a funding agree-
ment) to be transferred to such Indian tribe, for such period as may be specified in the fund-
ing agreement, subject to annual adjust-
ment or in conformity with specified by the
tribe and the Secretary and the Indian tribe.

SEC. 306. GENERAL PROVISIONS.

(a) APPLICABILITY.—The provisions of this section shall apply to compacts and funding agreements negotiated under this title and an Indian tribe may, at its option, provide inclusions in the compact or funding agreement on behalf of the withdrawing Indian tribe, tribal consortium, or tribal organization.

(b) CONFLICTS OF INTEREST.—Indian tribes tribal organization or tribal organization, and the withdrawing Indian tribe, inter-tribal consortium or tribal organization, and such funds shall be transferred from the funding agreement of the inter-tribal consortium or tribal organization, provided that the provisions of sections 102 and 105(i), as appropriate, shall apply to such withdrawing Indian tribe.

(c) RELINQUISHING MATURE CONTRACT STATUS.—If an Indian tribe elects to operate under this title and the Indian tribe shall not be considered federal funds for purposes of chapter 5 of title 5, United States Code.

(d) RECORDS.—

"(1) SINGLE AGENCY AUDIT ACT.—The provi-
sion of chapter 75 of title 31, United States Code, shall apply to compacts and funding agree-
ments negotiated under this title and an Indian tribe shall be entitled to contract with the Secretary for negotiation of self-determination contracts under title I, at the option of the Indian tribe, the resulting self-de-
determination contract shall be a mature self-de-
determination contract.

"(ii) the date on which the funding agreement
expires; or

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

"(B) if such reporting shall impose minimal burdens on the participating Indian tribe and such requirements are promulgated under section 517.

"(2) REASSUMPTION.—(A) Compacts and fund-
ing agreements negotiated between the Sec-
retary and an Indian tribe shall include a provi-
sion which authorizes transfer to the par-
"(1) one year from the date of submission of such request; or

"(ii) the date on which the funding agreement expires; or

"(B) such date as may be mutually agreed upon by the Secretary and the Indian tribe, and the withdrawing Indian tribe or tribal organization on behalf of the withdrawing Indian tribe, inter-tribal consortium, or tribal organization.

"(2) DISTRIBUTION OF FUNDS.—When an In-
dian tribe or tribal organization eligible to enter into a self-determination contract under title I or a compact or funding agreement under this title.

"(a) APPLICABILITY.—The provisions of this
section shall apply to compacts and funding agreements negotiated under this title.

"(f) EXISTING FUNDING AGREEMENTS.—Each Indian tribe participating in the Tribal Self-
Governance Demonstration Project established under title III on the date of enactment of this title shall have the option at any time thereafter to—

"(1) retain its Tribal Self-Governance Demon-
stration Project funding agreement (in whole or in part) to the extent the provisions of such
funding agreement are not directly contrary to any express provisions of this title; or

"(2) adopt in lieu thereof (in whole or in part) a new funding agreement in conformity with this
title.

"(g) EARNABLE BASE FUNDING.—At the option of an Indian tribe, a funding agreement may provide for a stable base budget specifying the recurring funds (including, for purposes of this provision, any funds included in a subsequent funding agreement) to be transferred to such Indian tribe, for such period as may be specified in the funding agreement, subject to annual adjust-
ment or in conformity with changes in congressional appropriations by sub-sub activity excluding earmarks.

"SEC. 307. PROVISIONS RELATING TO THE SEC-
retary.

"(a) HEALTH STATUS REPORTS.—Compacts or funding agreements negotiated between the Secret-
ary and an Indian tribe shall include a provision which authorizes the Secretary to reassemble operation of a program, service, function, or activity (or portion thereof) and, if there is a specific funding relative to that program, service, function, or activity (or portion thereof) of—

"(1) imminent endangerment of the public health caused by an act or omission of the In-
dian tribe, and the imminent endangerment

"(2) retrocession, and the request for retrocession, such retro-
cession will become effective within the time frame specified by the parties in the compact or fund-
ing agreement. In the absence of such a specification, such retrocession shall become ef-
ficient on—

"(i) one year from the date of submission of such request; or

"(ii) the date on which the funding agreement
expires; or

"(f) NONDUPLICATION.—For the period for which, and to the extent to which, funding is transferred from 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
funds shall be entitled to contract with the Secretary for such programs on the same basis as other Indian tribes.

"(d) 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 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.

"(e) REDESIGN AND CONSOLIDATION.—An In-
dian tribe may redesign or consolidate programs, services, functions, or activities (or portions thereof) included in a funding agreement under section 505 and reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof) which the Indian tribe deems to be in the best interest of the health and welfare of the Indian community being served, only if the redesign or con-
solidation does not have the effect of denying eligibility for services to population groups oth-
erwise eligible to be served under Federal law.

"(f) RETROcession.—An Indian tribe may retrocede, fully or partially, to the Secretary, programs, services, functions, or activities (or portions thereof) included in the compact or funding agreement. Unless the Indian tribe re-
sends the request for retrocession, such retro-
cession will become effective within the time frame specified by the parties in the compact or fund-
ing agreement. In the absence of such a specification, such retrocession shall become ef-
ficient on—

"(1) the earlier of—

"(A) the date on which the funding agreement
expires; or

"(B) such date as may be mutually agreed by the Secretary and the Indian tribe.

"(2) WITHDRAWAL.—

"(1) PROCESS.—An Indian tribe may fully or par-
tially withdraw from a participating inter-
tribal organization or inter-tribal consortium, and associated funding if there

"(A) one year from the date of submission of such request; or

"(ii) the date on which the funding agreement expires; or

"(B) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian tribe, and the participating tribal organization or inter-tribal consortium that has signed the compact or funding agreement on behalf of the withdrawing Indian tribe, inter-tribal consortium, or tribal organization.

"(d) RECORDS.—

"(1) SINGLE AGENCY AUDIT ACT.—The provi-
sions of chapter 75 of title 31, United States Code, requiring a single agency audit report shall apply to funding agreements under this title.

"(2) COST PRINCIPLES.—An Indian tribe shall apply cost principles under the applicable Office of Management and Budget Circular, except as modified by section 106 or other provisions of law, or by any exemptions to applicable Office of Management and Budget Circulars subsequent to the execution of the compact or funding agreement. No other audit or accounting standards shall be required by the Secretary. Any claim by the Federal Government against the Indian tribe relating to funds received under a funding agreement based on any audit under this sub-
section shall be subject to the provisions of sec-
tion 106(i).

"(3) REGAINING MATURE CONTRACT STATUS.—If an Indian tribe elects to operate all or some pro-
grame, service, function, or activity (or por-
tions thereof) carried out under a compact or fund-
ing agreement under this title through a self-determination contract under title I, at the option of the Indian tribe, the resulting self-de-
determination contract shall be a mature self-de-
determination contract.

"(h) NONDUPLICATION.—For the period for which, and to the extent to which, funding is transferred from 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
funds shall be entitled to contract with the Secretary for such programs on the same basis as other Indian tribes.
arises out of a failure to carry out the compact or funding agreement entered into under this title, and

(“ii) 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) The Secretary shall not reassume 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 alleged mismanagement to public health or gross mismanagement.

(“C) Notwithstanding subparagraph (B), the Secretary may, upon written notification to the tribe, immediately reassume operation of a program, service, function, or activity (or portion thereof) and associated funding 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 endangerment arises out of a failure to carry out the compact or funding agreement.

(“D) In any hearing or appeal involving a decision to reassume operation of a program, service, function, or activity (or portion thereof) under this subparagraph, the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence the validity of the grounds for the reassumption.

(“E) In reassuming operation of a program, service, function, or activity (or portion thereof) under this section, the Secretary shall provide the tribe with a hearing on the record not later than 10 days after such reassumption.

(“F) A final offer is an inherent Federal function that shall be made available to the Indian tribe.

(“G) Self-governance, consistent with section 3, shall be determined under subsection (c), the Secretary shall make such savings available to the Indian tribes, inter-tribal consortia, or tribal organizations for the provision of additional services to benefit tribes that are not directly served, contracted, and compacted programs.

(“H) The Secretary is authorized to employ, upon tribal request, multiyear funding agreements, and provision by Federal law; except that such funds may be increased by the Secretary if necessary to carry out this Act or as otherwise provided by Congress.

(“I) OTHER RESOURCES.—In the event an Indian tribe elects to carry out a compact or funding agreement under the use of Federal per- sonnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, air- line transportation, and other means of trans- portation including the use of interagency motor pool vehicles) or other Federal resources (in- cluding supplies, services, and resources available to the Secretary under any procurement contracts in which the Department is eligible to participate), the Secretary is authorized to transfer such personnel, supplies, or resources to the Indian tribe.

SEC. 508. TRANSFER OF FUNDS.

(a) In General.—Pursuant to any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian tribe all funds provided for in the funding agreement, pursuant to subsection (c), that the Secretary authorizes by joint resolution adopted by Congress making con- tinuing 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 semiannual or other periodic transfers of funding to be made com- plementary or concomitant with the beginning of a fiscal year, the first such transfer shall be made not later than 10 days after the apportionment of such funds by the Office of Management and Budget to the Department and unless the funding agreement pro- vides otherwise.

(b) Multiyear Funding.—The Secretary is hereby authorized to employ, upon tribal request, multiyear funding agreements. Multiple refer- ences in this title to funding agreements shall include such multiyear agreements.

(c) Amount of Funding.—The Secretary shall determine an amount equal to the amount that the Indian tribe would have been entitled to receive under self-determination contracts under this Act, including amounts for direct services rendered under sections 106(a)(1) and amounts for contract cost support costs specified under sections 106(a)(2), (a)(3), (a)(5), and (a)(6), including any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the In- dian tribe or its members, all without regard to the fiscal year level within the Department where such functions are carried out.

(d) Prohibitions.—The Secretary is ex- pressly prohibited from—

(1) failing or refusing to transfer to an In- dian tribe its full share of any central, head- quarters, regional, area, or service unit office or other funds due under this Act, except as re- quired by Federal law;

(2) withholding of portions of such funds for transfer over a period of years; and

(3) reducing the amount of funds required hereunder.

(“A) To make funding available for self-gov- ernance monitoring or administration by the Secretary;

(“B) 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 agree- ment;

(ii) a congressional directive in legislation or accompanying report;

(iii) a tribal authorization;

(iv) a change in the amount of pass-through funds subject to the terms of the funding agree- ment;

(v) completion of a project, activity, or pro- gram for which such funds were provided;

(C) To pay for Federal functions, including Federal pay costs, Federal employee retirement benefits, automated data processing, technical assistance, and monitoring of activities under this Act; or

(D) To pay for costs of Federal personnel dis- placed by self-determination contracts under this Act or self-governance; except that such funds may be increased by the Secretary if necessary to carry out this Act or as otherwise provided by Congress.

(e) Prohibited Uses.—Funds provided under this title, or any contract, funding agreement, or program entered into under this title, shall not be used for—

(“A) to make funding available for self-gov- ernance monitoring or administration by the Secretary;

(“B) 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 agree- ment;

(ii) a congressional directive in legislation or accompanying report;

(iii) a tribal authorization;

(iv) a change in the amount of pass-through funds subject to the terms of the funding agree- ment;

(v) completion of a project, activity, or pro- gram for which such funds were provided;

(C) To pay for Federal functions, including Federal pay costs, Federal employee retirement benefits, automated data processing, technical assistance, and monitoring of activities under this Act; or

(D) To pay for costs of Federal personnel dis- placed by self-determination contracts under this Act or self-governance; except that such funds may be increased by the Secretary if necessary to carry out this Act or as otherwise provided by Congress.

(f) Prohibited Uses.—Funds provided under this title, or any contract, funding agreement, or program entered into under this title, shall not be used for—

(“A) to make funding available for self-gov- ernance monitoring or administration by the Secretary;

(“B) 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 agree- ment;

(ii) a congressional directive in legislation or accompanying report;

(iii) a tribal authorization;

(iv) a change in the amount of pass-through funds subject to the terms of the funding agree- ment;

(v) completion of a project, activity, or pro- gram for which such funds were provided;

(C) To pay for Federal functions, including Federal pay costs, Federal employee retirement benefits, automated data processing, technical assistance, and monitoring of activities under this Act; or

(D) To pay for costs of Federal personnel dis- placed by self-determination contracts under this Act or self-governance; except that such funds may be increased by the Secretary if necessary to carry out this Act or as otherwise provided by Congress.

(e) Prohibited Uses.—Funds provided under this title, or any contract, funding agreement, or program entered into under this title, shall not be used for—

(“A) to make funding available for self-gov- ernance monitoring or administration by the Secretary;

(“B) 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 agree-ment;
transfer of funds due under a compact or fund- ing agreement, the Secretary shall have at least one opportunity to approve project planning and design documents prepared by the Indian tribe in advance of construction of the facilities specified in the scope of work for each negotiated construction project agreement or amendment thereof which results in a significant change in the original scope of work. The Indian tribe shall provide the Secretary with project financial reports not less than semiannually. The Secretary may conduct an on-site project oversight visit semiannually or on an alternate schedule agreed to by the Secretary and the Indian tribe.

(k) LIMITATION OF COSTS.—An Indian tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount provided for a specific activity in the compact or funding agreement if at any time the Indian tribe has reason to believe that the total amount available to the Indian tribe to construct, alter, or repair, including painting or decorating a building or other facilities in connection with construction projects undertaken by self-governance Indian tribes under this Act, shall be paid wages at no less than the then current prevailing rate on any construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494). With respect to construction, alteration, or repair work to which the Act of March 3, 1921, is applicable under the terms of this section, the Secretary shall have the authority and functions set forth in Reorganization Plan Number 14, of 1959, and section 2 of the Act of June 13, 1934 (48 Stat. 940).

(l) APPLICATION AND OTHER LAWS.—Unless otherwise agreed to by the Indian tribe, no provision of the Office of Federal Procurement Policy Act, the Federal Acquisition Regulations issued pursuant thereto, or any other law or regulation that pertains to procurement (including Executive orders) shall apply to any construction project conducted under this title. The Secretary shall permit an Indian tribe to use existing school buildings, hospitals, and other facilities and all equipment therein or appurtenant thereto and other personal property owned by or held in trust for the Indian tribe under a contract or agreement entered into under such terms and conditions as may be agreed upon by the Secretary and the tribe for their use and maintenance; and 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), title to property and equipment furnished by the Federal Government for use in the performance of the compact or funding agreement purchased with funds under any compact or funding agreement shall, unless otherwise requested by the Indian tribe, vest in the appropriate Federal agency;

(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, title to such property and equipment shall revert to the Department of Health and Human Services; and

(C) all property referred to in subparagraph (A) shall remain eligible for replacement, maintenance, and improvement on the same basis as if title to such property were 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 the property so determined to be the appropriate property 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 purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program.

(e) Emergency.—States are hereby authorized and encouraged to enact legislation, and to enter into agreements with Indian tribes to facilitate and supplement the initiatives, programs, and policies authorized by this title and any other Federal laws benefiting Indians and Indian tribes.

(f) Rules of Construction.—Each provision of this title and each provision of a compact or funding agreement 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. 513. BUDGET REQUEST.

(a) In General.—The President shall identify in the annual budget request submitted to the Congress 1105 of title 31, United States Code, all funds necessary to fully fund all funding agreements authorized under this title, including funds specifically identified to fund Indian health programs, and to the extent so appropriated shall be apportioned to the Indian Health Service. Such funds shall be provided to the Indian Health Service to reduce the amount of funds that a tribe is otherwise entitled to receive under its funding agreement or any other applicable law, whether or not such funds are made available 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 need presently funded and any shortfall in funding (including direct program and contract support costs) for each Indian tribe, either directly by the Secretary, under self-determination contracts entered into, and funding agreements authorized under this title.

SEC. 514. REPORTS.

(a) Annual Report.—Not later than January 1 of each year after the date of enactment of this title, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate a written report regarding the administration of this title. Such report shall include a detailed analysis of the level of need being presently funded and any shortfall in funding (including direct program and contract support costs) for each, Indian tribe, either directly by the Secretary, under self-determination contracts and funding agreements authorized under this title.

SEC. 515. DISCLAIMERS.

(a) No Funding Reduction.—Nothing in this title shall be construed to limit or reduce in any way the funding for any program, project, or activity which is authorized under this Act or any other applicable Federal law. Any Indian tribe that alleges that a compact or funding agreement is in violation of this section may apply the provisions of section 110.

(b) Federal Trust and Treaty Responsibilities.—Nothing in this Act shall be construed to diminish in any way the trust relationship between the United States and Indian tribes or to require any Indian tribe to do so.

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

(a) Mandatorv 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 201 of title 31, United States Code, shall apply to compacts and funding agreements authorized under this title.

(b) Discretionary Application.—When the Secretary of health and human services, in the absence of a provision to the contrary, shall apply such provisions to compacts and funding agreements authorized under this title.

(c) Demonstrations.—In the absence of a provision to the contrary, the Secretary may apply the provisions of sections 601, 602, 603, or 605 of this Act to compacts and funding agreements authorized under this title.

(d) Effect.—The lack of promulgated regulations shall not limit the effect of this title.

SEC. 517. REGULATIONS.

(a) In General.—(1) Not later than 90 days after the date of enactment of this title, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

(b) Proposed regulations to implement this title shall be published in the Federal Register by the Secretary no later than 1 year after the date of enactment of this title.

(c) The authority to promulgate regulations under this title shall expire 21 months after the date of enactment of this title.

(d) EFFECT.—The lack of promulgated regulations shall not limit the effect of this title.

(a) Effect of Circumstances, Policies, Mandates, Guidelines, and Rules.—Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Indian Health Service, except for the eligibility provisions of section 105.

SEC. 518. APPEALS.

(a) In any appeal (including civil actions) involving decisions made by the Secretary under this title, the Secretary shall have the burden of proof in demonstrating by clear and convincing evidence—

(i) the validity of the grounds for the decision made; and

(ii) the decision is fully consistent with provisions and policies of this title.

Sec. 519. AUTHORIZATION OF Appropriations.

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

TITLE VI—TRIBAL SELF-GOVERNANCE—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 601. DEMONSTRATION PROJECT FEASIBILITY.

(a) Study.—The Secretary shall conduct a study to determine the feasibility a Tribal Self-Governance Demonstration Project for appropriate programs, services, functions, and activities (or portions thereof) of the agency.

(b) Considerations.—When conducting the study the Secretary shall—

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

(ii) the statutory, regulatory, or other impediments to implementation of such a demonstration project;
SEC. 5. AMENDMENTS CLARIFYING CIVIL PROCEEDINGS.

(a) BURDEN OF PROOF IN DISTRICT COURT ACTIONS.—Section 505(c)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(c)(1)) is amended by inserting after "subsection (b)(3)" the following: "or any civil action commenced pursuant to section 190(a)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to all proceedings commenced after October 25, 1994.

SEC. 6. SPEEDY ACQUISITION OF GOODS, SERVICES, OR SUPPLIES.

Section 105(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450k(k)) is amended—

(1) by striking "carrying out a contract" and all that follows through "shall be eligible" and inserting the following: "or Indian tribe shall be deemed an executive agency and a part of the Indian Health Service, and the employees of the tribal organization or the Indian tribe, as the case may be, shall be eligible;" and

(2) by adding at the end the following: "At the request of an Indian tribe, the Secretary shall enter into an agreement for the acquisition, on behalf of the Indian tribe, of any goods, services, or supplies provided to the Secretary from the General Services Administration or other Federal agencies that are not directly available from the Indian tribe under this section or any other Federal law, including acquisitions from prime vendors. All such acquisitions shall be undertaken through the most efficient and speedy means practicable, including electronic ordering arrangements.

SEC. 7. 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 new subsection:

"(o) At the option of a tribe or tribal organization, patient records may be deemed to be Federal records under the Federal Records Act of 1950 pursuant to this subsection. Patient records may be deemed to be Federal records under the Federal Records Act of 1950 pursuant to this subsection. Patient records that are deemed to be Federal records under the Federal Records Act of 1950 pursuant to this subsection shall not be accessible to the Secretary for the purposes of chapter 5 of title 5, United States Code."

SEC. 8. REPEAL.

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

SEC. 9. SAVINGS PROVISION.


SEC. 10. EFFECTIVE DATE.

Except as otherwise provided, the provisions of this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1167, the proposed Tribal Self-Governance Amendments Act of 1999, would create a new title in the 1975 Indian Self-Determination Act.
Self-Determination and Education Assistance Act and reflects years of planning and negotiating among Indian tribes, federal officials, and the Department of Health and Human Services.

This legislation continues the principle focus on self-governance programs to remove needless and sometimes harmful layers of Federal bureaucracy that dictate Indian affairs.

By giving tribes direct control over Federal programs run for their benefit and making them directly accountable to their members, Congress has enabled Indian tribes to run programs more efficiently and more innovatively than the Federal officials have in the past.

Allowing the tribes to run these programs furthers the congressional policy of strengthening and promoting tribal governance which began with passage of the First Self-Determination Act of 1975.

The Indian tribes and the administration agree that it is now time to take the next logical step toward the self-governance process and make self-governance programs permanent within the Department of Health and Human Services.

H.R. 1167 establishes a permanent self-governance program within the Department of Health and Human Services under which the American Indian and Alaska Native tribes may enter into compacts with the Secretary for direct operation control and redesign of Indian health service activities.

Tribes entering into self-governance programs have to meet four eligibility requirements. First, the tribe must, in the case of the consortium, be federally recognized. Second, the tribe must document with official action of the tribal government a formal request to enter into negotiations with the Department of Interior. Third, the tribe must demonstrate financial stability and financial management capabilities as evidenced through the administration of the prior 638 contracts. Fourth, the tribe must successfully have completed a planning phase requiring the submission of final planning report that demonstrates that the tribe has conducted legal and budgetary research in internal government and organizational planning.

If we are to adhere and remain faithful to the principles that our founders set forth, the principles of good faith, consent, justice, humanity, we must continue to promote tribal self-governance as done in this legislation that I bring before the House today.

I want to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources, for his assistance and support of this bill and urge all of my colleagues to support the passage of this legislation.

Mr. Speaker, the nature of Self-Governance is rooted in the inherent sovereignty of American Indian and Alaska Native tribes. From the founding of this nation, Indian tribes and Alaska Native villages have been recognized as “distinct, independent, political communities” exercising government not by virtue of any delegation of powers from the federal government, but rather by virtue of their own innate sovereignty. The tribes’ sovereignty predates the founding of the United States and its Constitution and forms the backdrop against which the United States has continually entered into relations with Indian tribes and Native villages.

The present model of tribal Self-Governance arose out of the federal policy of Indian Self-Determination. The modern Self-Determination era began as Congress and contemporary Administrations ended the dubious experiment of Termination which was intended to end the federal trust responsibility to Native Americans during the 1950s.

The centerpiece of the Termination policy, House Concurrent Resolution 108 in 1953, stated that “Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians.”

While the intent of this legislation was to free the Indians from federal rule, it also destroyed all protection and benefits received from the government. The same year, Congress enacted Public Law 28 which further eroded tribal sovereignty by transferring criminal jurisdiction from the federal government and the tribes to the various state governments.

As a policy, Termination was a disaster. Recognizing that Termination as a policy was a disaster, President Kennedy campaigned in 1960 promising the Indian tribes no changes in treaty or contractual relationships without tribal consent, protection of Indian lands base, and assistance with credit and tribal economic development.

Indeed, Indian reservations were included in many of the “Great Society” programs of the late 1960s, bringing a much-needed infusion of federal dollars onto many reservations.

In 1968, President Lyndon B. Johnson delivered a message to Congress which stated support for:

(A) policy of maximum choice for the American Indian: a policy expressed in programs of self-help, self-development, self-determination. . . . The greatest hope for Indian progress lies in the emergence of Indian leadership and initiative in solving Indian problems. Indians must have a voice in making the plans and decisions in programs which are important to their daily life.

In 1970, President Richard Nixon’s “Special Message on Indian Affairs” also called for increased tribal self-determination as he stated:

Thus, while the Indian Self-Determination Act and is still acknowledged as a watershed moment in the history of tribal self-government, by the mid-1980s many tribal leaders agreed that it was time for even greater change. They felt that the federal bureaucracy devoted to 638 program oversight had simply grown out of control and the percentage of federal dollars allocated for Indian programs actually spent on the reservations was still far too small.

To address these concerns, the Indian tribes asked Congress to consider amendments to the Self-Determination Act. At the same time, a group of tribal representatives
began meeting to discuss proposals for trim- 
ing the BIA bureaucracy and amending the Act as well. But during the fall of 1987, a series of arti- cles appeared in the Arizona Republic entitled “Indian Country, that detailed an egress- ious history of waste and mismanagement within the BIA. These articles spurred House Appropriations Subcommittee on Interior and Related Agencies Chairman Sidney Yates (D- IL) to conduct an oversight hearing on these alleged abuses.

At the hearing, Department of Interior offi- cials proposed that funds appropriated to the Bureau of Indian Affairs be turned over to the tribes to let them manage their own affairs in an attempt to address these charges. But, the officials testified, by accepting the federal funds, the tribes would release the federal government from its trust responsibility. Tribal leaders disagreed with this quid pro quo, but supported the concept of removing BIA mid- dlemen from the funding process. With Chair- man Yates’ encouragement, tribal representa- tives met with the Secretary of the Interior and other Department officials the very next day to further hash out this concept. By mid-Decem- ber of 1987, ten tribes had agreed to test the Department’s proposal.

Out of this proposal the Tribal Self-Govern- ance Demonstration Project was born. In 1988 Congress enacted Pub. L. No. 100– 472 and established Title III of the Indian Self- Determination Act which authorized the Sec- retary of Interior to negotiate Self-Governance compacts with up to twenty tribes. These tribes, for the first time, would be able to “Plan, conduct, consolidate, and administer programs, services, and functions” heretofore performed by Interior officials. The Act re- quired that these programs be “otherwise available to Indian tribes or Indians,” but within these parameters the tribes were authorized to redesign programs and reallocated funding according to terms negotiated in the com- pacts. Tribes would be able to prioritize spending on a systemic level, dramatically reduc- ing the Federal role in the tribal decision- making process. But perhaps the biggest dif- ference between “638” contract process and the Self-Governance program is that instead of funds coming from multiple contracts there would be one compact with a single Annual Funding Agreement.

The original ten tribes that agreed to partici- pate in the demonstration project were the Confederated Salish and Kootenai Tribes, Hoopa Tribe, Jamestown S’Klallam Tribe, Lummi Nation, Mescalero Apache Tribe, Mille Lacs Band of Ojibwe, Quinault Indian Nation, Red Lake Chippewa Tribe, Rosebud Sioux Tribe, and Tlingit and Haida Central Council. In 1991 President Bush signed Pub. L. 102– 184, which extended the Demonstration Project for three more years and increased the number of Tribes participating to thirty. The bill required participating compacts to complete a one-year planning period before they could negotiate a Compact and Annual Fund- ing Agreement. The 1991 law also directed the Indian Health Service to conduct a feasibility study to examine the expansion of the Self-Governance project to tribal programs and services.

In 1992, Congress amended section 314 of the Indian Health Care Improvement Act to allow the Secretary of Health and Human Services to negotiate Self-Governance compacts and annual funding agreements under Title III of the Indian Self-Determination Act with Indian tribes. The Self-Governance Demo- stration Project proved to be a success both in the Interior Department and the Department of Health and Human Services. Thus, in 1994, Congress responded by passing the “Tribal Self-Governance Act of 1994” and perma- nently established the Self-Governance pro- gram within the Department of Interior.

This action solidified the Federal govern- ment’s policy of negotiating with Indian Tribes and Alaska Native villages on a government- to-government basis while retaining the federal trust relationship. The Tribal Self-Governance Act allowed so called “Self-Governance tribes” to compact all programs and services that tribes could contract under Title I of the Indian Self-Determination Act. The Act required an “orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority to plan, conduct, re- design, and administer programs, services, functions, and activities that meet the needs of the individual tribal communities.”

Tribes entering the Self-Governance program had to meet four eligibility requirements. First, the tribe (or tribes in the case of a consor- tium) must be federally recognized. Sec- ond, the tribe must document, with an official action of the tribal governing body, a formal request to enter negotiations with the Depart- ment of Interior. Third, the tribe must dem- onstrate financial stability and financial man- agement capability as evidenced through the administration of prior 638 contracts. Fourth, the tribe must have successfully completed a planning phase, requiring the submission of a final planning report which demonstrates that the tribe has conducted legal and budgetary research and internal tribal government and organizational planning.

The 1994 Act, however, did not make changes to the demonstration project status of programs run for their benefit and making them directly accountable to their members. Congress had enabled Indian tribes to run pro- grams more efficiently and more innovatively than federal officials have in the past. Allowing tribes to run these programs furthered the Con- gressional policy of strengthening and pro- moting tribal governments which began with passage of the first Self-Determination Act in 1975.

Often we need to look to the past in order to understand the present. This is especially true with Indian tribes. More than two centuries ago, Con- gress set forth what should be our guiding principles. In 1789, Congress passed the Northwest Ordinance, a set of seven articles intended to govern the addition of new states to the Union. These articles served as a com- pact between the people and the Federal States, and were “to forever remain unalterable, unless by common consent.” Article Three set forth the Nation’s policy towards Indian tribes:

“The utmost good faith shall always be ob- served towards the Indians; their land and property shall never be taken away from them without their consent . . . but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them....

The Founders of this Nation carefully and wisely chose these principles to govern the conduct of our government in its dealings with American Indian tribes. Over the years, these principles have at times been forgotten.

Two hundred years later, Justice Thurgood Marshall delivered a unanimous Supreme Court in 1983 stating that, ‘“Moreover, both the tribes and the Federal Government are firmly committed to the goal of promoting tribal self-government, a goal embodied in numerous federal statutes. We have stressed that Congress’ objective of fostering tribal self-government encompasses far more than encouraging tribal development. It is a constitutional imperative that the Federal Government respect the inherent right of self-government possessed by American Indian tribes. This right is fundamental to the tribal concept of self-determination...”’

If we are to adhere and remain faithful to the principles of good faith, consent, justice and humanity—then we must continue to promote tribal self-government as is done in the legisla- tion I bring before the House today.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by
the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1167, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material on H.R. 1167, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to move to suspend the rules and pass the Senate bill (S. 1398) to clarify certain boundaries on maps relating to the Coastal Barrier Resources System.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read as follows:

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

SECTION 1. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAPS.

(a) IN GENERAL.—The 7 maps described in subsection (b) are replaced by 14 maps entitled “Dare County, North Carolina, Coastal Barrier Resources System, Cape Hatteras Unit NC-63P” or “Dare County, North Carolina, Coastal Barrier Resources System, Cape Hatteras Unit NC-63P, Hatteras Island Unit L03” and dated October 18, 1999.

(b) DESCRIPTION OF MAPS.—The maps described in this subsection are the 7 maps that—

(1) relate to the portions of Cape Hatteras Unit NC-63P and Hatteras Island Unit L03 that are located in Dare County, North Carolina; and
(2) are included in a set of maps entitled “Coastal Barrier Resources System”, dated October 24, 1990, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) AVAILABILITY.—The Secretary of the Interior shall keep the maps referred to in subsection (a) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is identical to legislation that I introduced earlier this year, which the House passed last month.

This legislation simply corrects a mapping error that currently excludes Dare County residents from qualifying for Federal flood insurance under the Coastal Barrier Research Act.

Congress adopted the Coastal Barrier Research System in the 1980s to protect the coast from future development. When the North Carolina areas were added to the system, it was Congress’ intent for the line to be adjacent to the Cape Hatteras National Seashore boundary, thus allowing certain privately owned structures to remain eligible for flood insurance.

Unfortunately, the National Park Service incorrectly identified the boundary, which resulted in inaccurate maps. This error incorrectly puts approximately 200 landowners in harm’s way, especially during hurricane season.

With Hurricanes Dennis and Floyd recently wreaking havoc on the Outer Banks of Eastern North Carolina, this legislation is a justified step forward in providing the necessary assistance to the landowners in Dare County. Currently, these residents have been left unprotected by the inability of the Federal Government to appropriately manage the Coastal Barrier Resources System.

With the assistance of Senator HELMS, the Committee on Resources, and the Fish and Wildlife Service, we have been able to work towards a solution that all sides can agree to. With the help of the gentleman from Alaska (Mr. YOUNG) and the gentleman from New Jersey (Mr. SAXTON), we were able to pass this legislation through the House earlier this year. Passing Senate 1398 today will complete the work we all started a year ago.

The importance of passing this legislation could not be more timely after one of the worst hurricane seasons in recent history. I would hope and encourage my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say at the outset that I very much appreciate the cooperation of the gentleman from New Jersey (Mr. SAXTON) and the gentleman from North Carolina (Mr. JONES) and their staffs working with us to shape this legislation.

I am satisfied that the boundary changes authorized in this bill are legitimate technical corrections which will resolve the past mapping errors and boundary discrepancies, and I urge the passage of this legislation.

The Coastal Barrier Resources System is critical to the long-term protection of the Nation’s coastal resources, and we must remain vigilant to protect it from unwarranted encroachment.

All this bill would do is substitute a final series of revised maps to replace an earlier series already approved by the House when it passed H.R. 1431 on September 21. This bill would authorize the final agreed upon maps.

Let me say from the start, I very much appreciate the cooperation of Mr. SAXTON and his staff in working with the minority in shaping this legislation. I am satisfied that the boundary changes authorized in this bill are legitimate technical corrections which would resolve past mapping errors and boundary discrepancies.

Moreover, we have been assured by both the Fish and Wildlife Service and the National Park Service that these new boundaries accurately depict the boundaries of the Cape Hatteras National Seashore. Hopefully this will eliminate any future confusion regarding this matter.

We also have made sure that none of the coastal barrier units labeled as L03 have been changed in any way to reduce their spatial areas. And importantly, we have added approximately 2,300 acres of additional coastal barrier lands to the “otherwise protected area” labeled as NC03-P. I want to thank Mr. SAXTON and the gentleman from North Carolina, Mr. JONES, for agreeing to this addition.

Experience has made me necessarily cautious when it comes to modifying any coastal barrier boundary. But in this case, I believe we have gotten it right. I urge my colleagues to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 1398, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?