

25 members; every dollar of Federal funding would be matched with a corresponding amount of non-Federal money; \$20 million would be authorized for the U.S. Fish and Wildlife Service and \$5 million for NOAA; an annual report would be required detailing each conservation grant; affected Members of Congress would be given a 30-day notice when a project is proposed within their district; and statutory language has been included stipulating that no grant money can be used by the Foundation or its grantees for lobbying or litigation activities.

This is a good bill that will allow the Foundation to continue to undertake a variety of valuable conservation projects throughout the United States.

It is important to reiterate that lands acquired with Pittman Robertson funds are used for an array of wildlife dependent recreation activities such as fishing, trapping, and hunting. This use properly includes field trials with dogs. We expect that these activities will continue on acquired lands subject to reasonable restrictions supported by evidence to conserve wildlife and related habitat. Any guidelines issued by the Fish and Wildlife Service regarding such uses must be reasonable, recognize the value of these activities, and be developed cooperatively with the states as well as affected user groups. Some elements within the Service appear to believe that intensive on-the-ground management actions are inconsistent with the purpose of Pittman Robertson Act conservation programs. The Committee strongly disagrees with any such conclusion. We remind the agency that intensive management is often the key to assuring that multiplicity of wildlife dependent recreation activities can coexist on wildlife lands and can occur with conservation objectives and purposes. This is the case with field trials. So I want no one to mistake that field trials are quite compatible on lands acquired using Pittman Robertson funds. The lands are for hunting and field trials facilitate hunting.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for years, and most recently during our CARA deliberations, we have heard about the success and the proven track record of Pittman-Robertson and the Dingell-Johnson Sport Fish and Wildlife Restoration Programs administered by the Fish and Wildlife Service.

It was the prospect of CARA contributing an additional \$350 million a year in outer continental shelf oil revenues to Pittman-Robertson that first spurred the request of the gentleman from Alaska (Chairman YOUNG) of December 1999 for a General Accounting Office review of the Federal Aid Program. This in turn led to the gentleman from Alaska (Chairman YOUNG) initiating the majority's own investigation into the financial conduct of the program.

As it turned out, these investigations did identify problems concerning how the Fish and Wildlife Service admin-

isters and executes these programs, some considerable, several recurrent, but none criminal or even illegal. Nonetheless, I am convinced that the Federal Aid Program was long overdue for an administrative and financial overhaul. I believe all members of this committee share that view.

I think it is also important to note that the Fish and Wildlife Service has recognized and admitted that substantial errors have been made in the enforcement of financial policies and procedures. Serious reforms initiated by Fish and Wildlife Service Director Jamie Clark, including the termination of discretionary grant programs, the hiring of a new Federal aid expert to closely oversee the Federal Aid Office, and the establishment of strict new policies for travel and expenses indicate to me that the service is aggressively moving on reform.

The other body has improved this legislation. I am especially pleased that it will now provide approximately an increase of \$4 million for administration, ensure some flexibility for unexpected administrative costs up to \$25,000, streamline the reporting and certification requirements so that they are less cumbersome and tied into the annual budget process.

I am also pleased that additional provisions were accepted in the conference. Those provisions would require States to file annual certifications that they have spent their grant funds in accordance to the law, allow Puerto Rico to be eligible to receive hunter education funding. And finally, I support the additional changes made by the other body to attach to this legislation a clean reauthorization for the National Fish and Wildlife Foundation and a clean bill to establish a Centennial Commission for the National Wildlife Refuge System.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this has been a long process, and I agree with the gentleman from New Mexico (Mr. UDALL) that this was really instigated by the beginning of CARA legislation when it put in those millions of dollars in the Fish and Wildlife Service. That is why I instigated the investigation.

I want to thank my staff, Duane Gibson, who has worked very hard on this measure, and especially Christina Delmont-Small. For the record, she is now a Small instead of Delmont. She is on her honeymoon today and she cannot be here to actually enjoy the success of 2 years.

But this issue is one, and I said after the hearings that the GAO reported to us, that this is not about who is present and what happened because of those people involved, not individually, but because the agency itself, begin-

ning in 1990, and the acceleration of the expenditures of monies. We believe there was a tremendous amount of money that was spent very frankly illegally. Of those people that voluntarily established the Dingell-Johnson and the Pittman-Robertson fund that voluntarily putting into that every day thinking as they buy a fishing rod or a package of ammunition or a firearm or a bow, that it was going into reestablishing State programs on the State level so that they could have fish and wildlife not only to view but to hunt and fish, and we find that the money is being misspent.

So what we are trying to do through this legislation, and even with the Senate provisions in it, is we have tried to say, okay, forget who has done it. Let us make sure it does not happen in the future. And we believe this has been done in this legislation, and we are strongly supportive of it. I urge all of my colleagues to support this legislation with a good aye vote.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3671.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UDALL of New Mexico. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

TRIBAL CONTRACT SUPPORT COST TECHNICAL AMENDMENTS OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4148) to make technical amendments to the provisions of the Indian Self-Determination and Education Assistance Act relating to contract support costs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4148

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 Contract Support Cost Technical Amendments of 2000".

SEC. 2. AMENDMENT DETAILING CALCULATION AND PAYMENT OF CONTRACT SUPPORT COSTS.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding after section 106 the following new section:

“SEC. 106A. CONTRACT SUPPORT COSTS.

“(a) OTHER FEDERAL AGENCIES.—Except as otherwise provided by statute, an Indian tribe or tribal organization administering a contract or compact under this Act shall be entitled to recover its full indirect costs associated with any other Federal funding received by such tribe or tribal organization (other than funds paid under this Act), consistent with the tribe's or tribal organization's indirect cost rate agreement with its cognizant Federal agency. This subsection shall not independently entitle such tribe or tribal organization to be paid additional amounts associated with such other Federal funding.

“(b) ALLOWABLE USES OF FUNDS.—Notwithstanding any other provision of law (including regulation or circular), an Indian tribe or tribal organization (1) administering a contract or compact under this Act, and (2) employing an indirect cost pool that includes both funds paid under this Act and other Federal funds, shall be entitled to use or expend all Federal funds in such tribe's or tribal organization's indirect cost pool in the same manner as permitted in section 106(j) (relating to allowable uses of funds without approval of the Secretary), and for such purposes only the term ‘Secretary’ means the Secretary of any Federal agency providing funds to such tribe or tribal organization.

“(c) NEGOTIATION OF CONTRACT SUPPORT COST AMOUNTS.—Within the Indian Health Service of the Department of Health and Human Services, tribal contract support cost entitlements shall be the responsibility of the Office of Tribal Programs, subject to the tribe's or tribal organization's indirect cost rate agreement with the tribe's or tribal organization's cognizant Federal agency.

“(d) DIRECT CONTRACT SUPPORT COSTS AND FEDERAL EMPLOYEES.—The contract support costs that are eligible costs for the purposes of receiving funding under this Act shall include direct contract support costs associated with all Federal employees employed in connection with the program, service, function, or activity that is the subject of the contract, including all Federal employees paid with funds generated from third-party collections.”

SEC. 3. AMENDMENTS CLARIFYING CONTRACT SUPPORT COST ENTITLEMENT.

Section 106(a)(5) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j1(a)(5)) is amended by adding at the end thereof the following flush sentence: “Notwithstanding any other provision of law, the Secretary shall fully pay preaward and startup costs without regard to the year in which such costs were incurred or will be incurred, including such costs payable to tribes and tribal organizations identified by the Indian Health Service as ‘ISD Queue Tribes’ in its September 17, 1999, report entitled ‘FY 1999 IHS CSC Shortfall Data’.”

SEC. 4. AMENDMENTS REGARDING JUDICIAL REMEDIES.

Section 110(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450m-1(c)) is amended by inserting after “administrative appeals” the following: “, and section 2412(d)(2)(A) of title 28, United States Code, shall apply to appeals filed with administrative appeals boards, in appeals”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4148 makes technical changes in the Indian Health Self-Determination Education Assistance Act, and particularly to the contract support costs for the Indian Health Service and Bureau of Indian Affairs programs previously administered by the two departments.

This bill is technical in nature to ensure that tribal contractors recover their full and direct costs associated with these Federal programs, to receive funding for all Federal employees previously under the employment of IHS and BIA, and to direct the Secretaries of Health and Human Services to fully pay preaward and start-up costs without regard to the year in which such cost occurred.

Many tribal contractors have paid their preaward and start-up costs out of their own funds and have not been reimbursed for these programs by IHS and BIA. This corrects this inequity and prevents tribes from using their own program funds to pay for these administrative costs.

In a recent presentation at the Indian National Self-Governance conference in Nashville, Tennessee, Dr. Trujillio of the Indian Health Service reportedly told tribal representatives that the IHS supports enactment of H.R. 4148, as amended.

Again, Mr. Speaker, this bill is technical in nature and has been supported by all tribal contractors. I urge an aye vote for this important bill for American Indians and Alaskan Natives.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we are bringing up this evening is vastly different from the bill we reported from the Committee on Resources a few weeks back. The funding problems that Indian tribes face when assuming responsibility for Federal programs is serious and complex.

Congress has time and again reiterated its support for Indian tribes to take over and run Federal programs that have previously been run by the Bureau of Indian Affairs and the Indian Health Service. We have found that tribes are able to run these programs more innovatively and often provide better services to their tribal members.

Unfortunately, not all start-up and costs are covered in these funds provided tribes for these programs. This bill was introduced and designed to address those shortfalls. But in its current form, I am not sure that it meets the honorable goal of its author, the gentleman from Alaska (Chairman YOUNG).

The administration has informed us they oppose the bill. And while I would

like to pass contract support cost assistance, I will ask for a de novo vote so we will have an additional day to work on this bill.

I would also like to ask the gentleman from Alaska (Chairman YOUNG) if the cost of this bill has been worked out based on the new structure here.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

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

Mr. YOUNG of Alaska. Mr. Speaker, the gentleman I hope would support this legislation. He has a large native contingency in his district that strongly supports this legislation; and if he does not support it, I am sure they will be aware of it. If not, I will let them know about it.

The main thing is that the reason the bill is different is the way it was scored. And I believe it was \$11 billion. And as much as I believe there is justification there, we could not get it to pass the muster of other parts of this House nor the administration.

What we are trying to do is make sure that any tribal group that enters into a forwarding of money to set up a program, which they have been guaranteed, that they are being paid retroactively if they are owed money and in fact will be paid in the future. I think that is only fair. Because what has happened many times is they entered into a contract and then the agency, BIA or IHS, do not pay the forwarded monies and in consequence they have to swallow it themselves, and that takes away from the health programs, very frankly, of the Native American people.

I do hope that the gentleman will recognize the importance of this legislation; and although he may ask for a vote, I do not really put much truck in this administration. Although he is one of the opposite parties, I hope he does not either when it comes to Indian affairs.

They have abused, misused, and misled the American Indians in the last 8 years. They have used them in the vote. They have used them for the money that they should have gotten and that they spent in other areas and very frankly that they are using now. There is over \$2.5 billion that we cannot find that we know is there and the investigation shows it there. In fact, the Supreme Court has subpoenaed and filed in contempt Secretary Babbitt and I believe Secretary Rubin and the Treasury Department.

So anytime anybody talks about the Indians getting too much or not enough, I am saying, look at the facts. I think it is very inappropriate, very frankly, to have the administration even think about a veto of this.

Mr. UDALL of New Mexico. Mr. Speaker, reclaiming my time, I would like to ask the chairman the question again. I am unclear what the cost of the bill is now.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will continue to yield, it is between \$80 million and \$100 million from \$11 billion. That is what we call the striking or the marking of the CBO.

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

Mr. YOUNG of Alaska. 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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 4148, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UDALL of New Mexico. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 964) to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes, as amended.

The Clerk read as follows:

S. 964

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

TITLE I—CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Cheyenne River Sioux Tribe Equitable Compensation Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), commonly known as the "Flood Control Act of 1944", Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the "Pick-Sloan program")—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Oahe Dam and Reservoir project—

(A) is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(B) overlies the eastern boundary of the Cheyenne River Sioux Indian Reservation; and

(C) has not only contributed little to the economy of the Tribe, but has severely damaged the economy of the Tribe and members of the Tribe by inundating the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);

(4) after applying the same method of analysis as is used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States (referred to in this title as the "Comptroller General") determined that the appropriate amount of compensation to pay the Tribe for the land acquisition described in paragraph (3)(A) would be \$290,723,000;

(5) the Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (3)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and

(6) the establishment of a trust fund to make amounts available to the Tribe under this title is consistent with the principles of self-governance and self-determination.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 103. DEFINITIONS.

In this title:

(1) TRIBE.—The term "Tribe" means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

(2) TRIBAL COUNCIL.—The term "Tribal Council" means the governing body of the Tribe.

SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.

(a) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the "Cheyenne River Sioux Tribal Recovery Trust Fund" (referred to in this title as the "Fund"). The Fund shall consist of any amounts deposited into the Fund under this title.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) \$290,722,958; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this subsection as the "plan").

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) UPDATING OF PLAN.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In revising the plan under this subparagraph, the Tribal Council shall