

utilizes the basic framework of the acknowledgment regulations by requiring that petitioners demonstrate the same mandatory criteria. This provides for some consistency in policy with the last twenty years' administration under the acknowledgment regulations. Second, it limits the time period for which petitioners must demonstrate the criteria and minimizes the need for subjective evaluation of data by staff. This provides for a speedier process and one that produces consistent results from one petitioner to the other. Finally, the substitute includes new provisions that more accurately reflect the historic experience of non-federally recognized tribes and insure that tribes will not pay the cost for federal and state efforts to suppress or outlaw tribalism at various times in history.

Mr. Speaker, I am proud and actually, somewhat relieved that we have finally gotten back to the point we were two Congresses ago, passing recognition legislation out of the House. I hope that the Senate will take prompt action on this bill and send this to the President this year. I believe that this is a historic opportunity to right some of the wrongs visited upon the nearly two-hundred tribes that still seek recognition. By making the process by which the Executive Branch acknowledges their existence fairer and clearer, we will ensure that this country resumes the government-to-government relationship and trust responsibility owed many of these tribes.

Mr. MCINTYRE. I rise today in strong support of HR 1154—the Indian Federal Recognition Administrative Procedures Act of 1997. I would like to thank Congressman ENI FALEOMAVAEGA for his hard work and support of this measure, as well as the Chairman of the Resources Committee, Congressman DON YOUNG. Both of these men have been very helpful and encouraging to me as I have sought in moving this important piece of legislation.

Mr. Speaker, I have the privilege of representing in Congress approximately 40,000 Native Americans known as the Lumbees—the largest tribe east of the Mississippi River! The Lumbee people are important to the success of everyday life in my home country of North Carolina—Robeson County. Their contributions to our society are numerous and endless—from medicine and law to business and banking, from the farms and factories to the schools and the churches, from the government, military, and community service to entertainment and athletic accomplishments, the Lumbees have made tremendous contributions to our county, state, and nation. For 100 years, these Native Americans have sought recognition. However, the Lumbee Tribe is the largest non-federally recognized tribe in the nation. Throughout the 20th Century, the tribe has renewed its appeal for federal recognition. Twice, the U.S. House of Representatives has passed a free standing bill for Lumbee recognition only to have it die in the Senate. This is about fundamental fairness; it is about stopping discrimination. It's time for discrimination to end and recognition to begin!

Mr. Speaker, shortly after my taking office in January, 1997, I met with local Native American leaders in my district, and we concluded that the congressional and federal procedures currently in place have not been working, and a new approach is needed to give the Lumbee people their much deserved Federal recognition. And this would help not only the Lumbee,

but potentially other tribes as well. That approach is HR 1154.

Mr. Speaker, HR 1154 streamlines and takes the politics out of the federal recognition process. By establishing an independent commission with strict time lines to evaluate and approve Native American applications, all non-federally recognized tribes will have a fair shot at receiving federal recognition.

Mr. Speaker, again let me thank Congressman FALEOMAVAEGA and Chairman YOUNG for their effort on this bill. I look forward to working with them and our colleagues in the Senate to enact this important piece of legislation without further delay.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). 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. 1154, as amended.

Mr. WOLF. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GUAM ORGANIC ACT AMENDMENTS OF 1998

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2370) to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure and the office of Attorney General, as amended.

The Clerk read as follows:

H.R. 2370

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 "Guam Organic Act Amendments of 1998".

SEC. 2. ATTORNEY GENERAL OF GUAM.

Section 29 of the Organic Act of Guam (48 U.S.C. 1421g) is amended by adding at the end the following new subsection:

"(d)(1) The Attorney General of Guam shall be the Chief Legal Officer of the Government of Guam. At such time as the Office of the Attorney General of Guam shall next become vacant, the Attorney General of Guam shall be appointed by the Governor of Guam with the advice and consent of the legislature, and shall serve at the pleasure of the Governor of Guam.

"(2) Instead of an appointed Attorney General, the legislature may, by law, provide for the election of the Attorney General of Guam by the qualified voters of Guam in general elections after 1998 in which the Governor of Guam is elected. The term of an elected Attorney General shall be 4 years. The Attorney General may be removed by the people of Guam according to the procedures specified in section 9-A of this Act or may be removed for cause in accordance with procedures established by the legislature in law. A vacancy in the office of an elected Attorney General shall be filled—

"(A) by appointment by the Governor of Guam if such vacancy occurs less than 6 months before a general election for the Office of Attorney General of Guam; or

"(B) by a special election held no sooner than 3 months after such vacancy occurs and no later than 6 months before a general election for At-

torney General of Guam, and by appointment by the Governor of Guam pending a special election under this subparagraph."

SEC. 3. LEGISLATIVE QUORUM.

Section 12 of the Organic Act of Guam (48 U.S.C. 1423b) is amended by striking "eleven" and inserting "a simple majority".

SEC. 4. CLARIFICATION OF LEGISLATIVE POWER.

The first sentence of section 11 of the Organic Act of Guam (48 U.S.C. 1423a) is amended—

(1) by inserting "rightful" before "subjects"; and

(2) by striking "legislation of local application" and inserting "legislation".

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

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

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, I urge my colleagues to support H.R. 2370.

I want to compliment the gentleman from Guam (Mr. UNDERWOOD). This bill is the amendment to the Organic Act of 1998, which authorizes increased self-government for the U.S. citizens of the American territory of Guam. These changes have been the subject of hearings conducted by the Committee on Resources.

A consensus of support of the proposed changes to Guam's Organic Act emerged from testimony by various people from Guam. Furthermore, the Guam legislature petitioned Congress for the changes now before the House. One provision would amend Guam's Organic Act to allow local law to provide for the election rather than the appointment of Guam's Attorney General. Another provision permits the quorum size requirement of the legislature be changed from the specific number of 11 out of 21 to a simple majority.

While the proposed changes to the Guam local government are justified and appropriate, these kinds of changes can and should be done by Guam by the development and adoption of a local constitution. Congress authorized a formulation of a local constitutional government by Guam in Public Laws 94-584 and 96-597 in 1976 and 1980 respectively.

The U.S. citizens of Guam can absolutely be certain that with the adoption of a local constitution, they will retain an inherent right to seek substantial changes in their political status.

However, until Guam enacts a local Constitution, any changes to the basic laws governing Guam can only be done by Congress. Thus, the need for this House to provide authority for specific amendments to the Guam Organic Act to enhance the government of Guam. This is a good piece of legislation. I urge the passage of the legislation.

When Congress acted years ago to permit Guam to change the size of its legislature, the

quorum requirement was inadvertently not changed as well. That oversight is corrected with the necessary conforming amendment in the bill. These changes including the technical clarification of local legislative power all received bipartisan support in the congressional hearings.

Before H.R. 2370 was approved by the Committee on Resources, the committee of jurisdiction, the legislation contained a section regarding "Judicial Authority; Supreme Court of Guam." That proposed provision would have overridden the local Guam Public Law 24-139, enacted February 22, 1998. Guam's local law is clear decisive legislation, reflecting the desire of Guam's legislators for a specific type of administrative organization for the Judicial Branch of Guam which they believed would be best for the Guam community. While there were individuals who supported the judicial change proposed in H.R. 2370, which was also suggested to be consistent with results of an unscientific survey of public opinion regarding the judiciary on Guam, such a fundamental change to Guam's local self-governance should be done with the support of the Government of Guam; or, in a locally developed Constitution, not by a unilateral change in the Federal statute.

Congress has considered changes affecting local self-government in the territories primarily based on a consensus by the people and their leaders. That consensus has been usually reflected in resolutions by the local legislature. During the past couple of years, the Government of Guam has informed Congress a number of times of requested changes to the Guam Organic Act or federal law. The provisions in H.R. 2370 as approved and reported by the Committee on Resources for full consideration by the full House have the general support of the leaders of Guam.

Rather than continuing to petition Congress to make changes to the Organic Act regarding functions and powers of the executive, legislative, and judicial branches of the Government of Guam, a constitution can be adopted to address those areas. Furthermore, any future changes to the local constitutional government would be through the local amendment process for the constitution, as exists today for Puerto Rico and the Northern Mariana Islands. The federal courts and if necessary, the Congress remain the safeguards to insure that the local constitutional government as amended is consistent with the federal Constitution and the intent of Congress.

The Guam Legislature passed Resolution No. 85 on September 15, 1997, asking the U.S. 105th Congress to amend the federal law authorizing constitutional government for Guam. Congress is asked to explicitly state that the adoption of a constitution would not preclude or prejudice the right of self-determination by the people of Guam.

Indeed, Congressional assurance is important so that the people of Guam know that the adoption of a constitution by Guam as authorized in federal law would not preclude their further right to self-determination. Guam would in fact enjoy a major degree of increased local self-government with constitutional government, which could be as the "Commonwealth of Guam" if that is what the people of Guam choose to call their finally-implemented constitution. The U.S. citizens of Guam can be absolutely certain that with the adoption of a local constitution they will retain an inherent

right to seek a subsequent change in their political status.

The right of continued self-determination after the adoption of a constitution in a U.S. territory is validated by the fact that the adoption of a local constitution in 1952 by the U.S. citizens of Puerto Rico, as similarly preauthorized by Congress, has not precluded or prejudiced the people's further right of self-determination. Also relevant to Guam is the adoption by the Puerto Rico Constitutional Convention of Resolution 22 which called the new constitutional government structure, the "Commonwealth of Puerto Rico". Now, over four decades later, Puerto Rico's territorial legislature has asked the 105th Congress to define a process for further self-determination. Both the U.S. House and the Senate have passed measures this year explicitly supporting Puerto Rico's right to self-determination and a change of the Commonwealth of Puerto Rico to full self-government status when desired by a majority of the people of Puerto Rico. Clearly the adoption of a local constitution has not precluded the further exercise by the people of Puerto Rico of the right of self-determination and the adoption of a Guam constitution would not limit a future change in Guam's status.

Out of respect to the Guam Legislature who petitioned the 105th Congress for clarification on this matter on behalf of the people of Guam, the entire text of Guam Resolution No. 85 follows. However, until Guam enacts a local constitution, any change to the basic laws governing Guam can only be done by Congress, and thus the need for this House to provide authority for specific amendments to the Guam Organic Act to enhance self-government for Guam.

GUAM LEGISLATURE RESOLUTION NO. 85:

Relative to requesting the 105th Congress to amend the Organic Act by adding a new Section 6, to confirm that the adoption of a Constitution establishing local government shall not preclude or prejudice the further exercise in the future by the people of Guam of the right of self-determination regarding the ultimate political status of Guam.

Be It Resolved by the Legislature of the Territory of Guam:

Whereas, in 1976 the United States Congress enabled the people of Guam, pursuant to P.L. No. 95-584, to organize a government under a constitution of our own adoption, which upon approval by Congress and the people of Guam, would provide for local government over the internal affairs of our Island; and

Whereas, when the current government of Guam structure for territorial government was established under the 1950 Organic Act, it was welcomed by the people of Guam as progress toward greater local government, but it was instituted without the consent of the people of Guam through a democratic act of self-determination or participation in the Federal lawmaking process on the basis of equal citizenship or equal representation; and

Whereas, the 1977 Constitution of Guam, drafted pursuant to Federal and local statutes, was approved by Congress but was not approved by the people of Guam in the 1979 referendum; and

Whereas, the process of establishment of internal local government under a local constitution was suspended after linkage was created between the draft constitution and the political status process; and

Whereas, in light of representation and speculations inconsistent with the foregoing

from 1979 to the present, it is essential for Congress to confirm its original and continued intention and expectation that authorization and approval of local constitutional government in Guam would not preclude or be prejudicial to the exercise of the right to self-determination, as part of the process through which ultimate political status of the territory of Guam is to be determined: Now therefore, be it

Resolved, by the Guam Legislature, on behalf of the people of Guam, request the One Hundred and Fifth Congress of the United States to amend Public Law No. 94-585, Oct. 21, 1976, 90 Stat. 2899, as amended by Public Law No. 96-597, Title V, Sec. 501, Dec. 24, 1980, 94 Stat. 3479, by adding a new Section 6 to read as follows:

"Section 6. Establishment of local constitutional local government pursuant to this Act shall not preclude or prejudice the further exercise in the future by the people of Guam or the Virgin Islands of the right of self-determination regarding the ultimate political status of either territory; and be it further

Resolved, that the Speaker certifies to, and the Legislative Secretary attests, the adoption hereof and that copies thereafter be transmitted to the President of the United States of America; to the President Pro Tempore, United States Senate; to the Majority Leader, United States Senate; to the Minority Leader, United States Senate; to the Chairman of the Committee on Energy and Natural Resources, United States Senate; to the Speaker, U.S. House of Representatives; to the Majority Leader, U.S. House of Representatives; to the Minority Leader, U.S. House of Representatives; to the Chairman of the Committee on Resources, U.S. House of Representatives; to the Resident Commissioner of Puerto Rico, U.S. House of Representatives; to the Virgin Islands Delegate to Washington, U.S. House of Representatives; to the Guam Delegate to Washington, U.S. House of Representatives; to the President of the Mayor's Council; and to the Honorable Carl T.C. Gutierrez, Governor of Guam.

Duly and Regularly Adopted on the 25th Day of September, 1997.

ANTHONY C. BLAZ.

JOANIE M.S. BROWN.

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

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, I want to thank the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG) for allowing me the opportunity to move this legislation to the floor. I want to thank him for allowing the people of Guam to clarify and make amendments to the Organic Act of Guam, the governing document signed in the 1950s, which acts as a framework for Guam's system of local government. This is not the first time that Guam's Organic Act has been amended to reflect the needs of the island, nor will it be the last.

Mr. Speaker, H.R. 2370, the Guam Organic Act Amendments, is important and timely legislation for Guam. In a 1994 referendum, the voters decided to reduce the size of Guam's legislature from a 21 member body to 15 members. This law takes effect this year in

Guam's general election. Since Guam's Organic Act stipulates that a quorum of the Guam legislature shall consist of 11 members, it is impossible that the function of the new 15-member body will go on unimpeded. Clarifying the Organic Act to read that a quorum shall consist of a simple majority will prevent any confusion.

Another provision of this legislation will clarify and bring equity to the powers of the Guam legislature. It has been said that compared to the other territories, Guam's lawmaking body has even less authority than other territories. This is because in defining the powers of the legislature in Guam's Organic Act, authority was extended over subjects of legislation. Congress amended the Virgin Islands Organic Act to read that they have control over rightful subjects of legislation. H.R. 2370 will give Guam parity with the Virgin Islands and provide a greater measure of self government.

□ 1715

Lastly, H.R. 2370 allows Guam to establish an elected Attorney General. This provision was included in the legislation in response to a survey polling what changes should be made to Guam's Organic Act. For this particular issue, the majority of respondents agreed that the Guam Legislature should have the authority to decide whether an elected Attorney General would better serve our island or remain with the status quo of an appointment by the Governor.

Mr. Speaker, amending Guam's Organic Act is work that is taken very seriously on our island. It is not something that we do without a great deal of thought; we do it always as a deliberate measure to enact a greater measure of self-government on our island. When I proposed this legislation, it was because my constituents indicated that our local government needed to function a little better while we work to solve our final political status.

Unfortunately, one provision of the original legislation which would clarify and make certain the independence of the judicial branch of Guam's government was not included. This issue is still very much with us, and I am hopeful that once the path is made clearer, that the Congress would consider amending Guam's Organic Act to ensure that a coequal branch of the judiciary exists on Guam.

Mr. Speaker, I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) for bringing H.R. 2370 to the floor today. I would also like to acknowledge Chairman YOUNG's strong support as well as his candor as it relates to the removal of some of the original provisions of H.R. 2370. I would also like to thank all the staff that helped bring this about.

Mr. Speaker, H.R. 2370 is good legislation which provides Guam with a greater measure of self-government, and I hope that my colleagues pass H.R. 2370.

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

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

Mr. Speaker, again, I want to compliment the gentleman from Guam (Mr. UNDERWOOD) in working with him on this issue, and we will continue to revisit this issue as time goes by. We hope someday that we would like to see the commonwealth, or whatever Guam wants to be, become what they want to be. And with the people in Guam and the efforts they have had in the past and the future, I am sure that will occur.

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

Mr. UNDERWOOD. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to offer my commendation to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources, for his support and bipartisanship in supporting this legislation.

Mr. Speaker, I rise in support of this bill to give the local government of Guam certain additional authority to amend its laws. The Organic Act of Guam was enacted in 1950, and it is on this law that the current executive, legislative, and judicial branches of the territorial government are based.

Although Guam has the authority to adopt a Constitution, it has not done so, and as a result no changes to the current structure of its government can be made without the approval of Congress. The bill before us today authorizes the local legislature to provide for an elected Attorney General, changes the requirement for a quorum in the legislature from 11 legislators to a simple majority, and extends Guam's legislative authority to include all those normally considered to be within the jurisdiction of a governing authority.

Mr. Speaker, coming from another of the insular areas, I understand the difficulty of getting Congress to address technical corrections of this nature. While the law proposed to be changed in this bill will have no impact on the vast majority of citizens of our Nation, it will have a definite impact on the residents of Guam by making their government more responsive to the people being governed.

This legislation is consistent with the efforts of this body to give more authority to local governments and certainly has my strongest support. I urge my colleagues to support this legislation.

Ms. CHRISTIAN-GREEN. I thank my colleague for yielding to me.

I rise today in strong support of H.R. 2370, the Guam Organic Act Amendments of 1998 and to congratulate and commend my friend

and colleague, the Gentleman from Guam, BOB UNDERWOOD for his hard work and determination in getting this bill to the floor of the House today.

I want to take this opportunity to thank my colleague from Guam for all the help he has given me as a new member and fellow Insular Area Delegate to Congress, over these past two years. I have enjoyed very much serving with BOB UNDERWOOD, who has always been available to me for advice and counsel on many of the issues which are unique to our Congressional districts.

The people of Guam are truly well served by having Congressman UNDERWOOD as their representative in Congress.

My colleagues, H.R. 2370 would amend the Organic Act of Guam to authorize the Government of Guam to establish an Office of the Attorney General of Guam and for such Attorney General to be elected by the qualified voters of Guam after 1998. The Guam Attorney General is currently appointed by the Governor, however, controversies have arisen in the past because of the appointment nature of this position.

There have been questions of political interference with investigations, inefficiency of case work and, in one case, the dismissal of the Attorney General without cause. It is clear, from a recently conducted survey of the people of Guam, that they overwhelming support the election of their Attorney General.

Similar to a bill which I have introduced and which is awaiting scheduling on the Floor, H.R. 2370 would also, clarify that the composition of a quorum of the Legislature of Guam would be a simple majority rather than a specified number as required by current law.

Finally, H.R. 2370 would amend the language in the Guam Organic Act to provide for the clarification of the legislative powers of the Guam Legislature. This would provide Guam with a greater measure of self-government equal to, ironically my own district, the U.S. Virgin Islands.

My colleagues it is important that we pass H.R. 2370 immediately and for the Senate to do the same, because it is needed to address the problem of what constitutes a quorum of the Legislature of Guam. The people of Guam have reduced the size of their local Legislature from 21 to 15 but current federal law still mandates a quorum of 11 members.

I commend my colleague from Guam for his hard work in seeking to address this problem in advance of the 1998 Legislative elections. I urge my colleagues to vote.

Mr. UNDERWOOD. Mr. Speaker, I have no further requests for time, and 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. 2370, 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.

The title of the bill was amended so as to read: "A bill to amend the Organic Act of Guam to clarify local executive and legislative provisions in such Act, and for other purposes."

A motion to reconsider was laid on the table.

TRIBAL SELF-GOVERNANCE
AMENDMENTS OF 1998

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1833) 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 read as follows:

H.R. 1833

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 1998".

SEC. 2. FINDINGS.

Congress finds that—

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

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

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

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

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

(6) 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—

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

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

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

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

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

(F) to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful 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 the Federal bureaucracy as programs, services, functions, and activities (or portions thereof) are assumed by Indian tribes;

(H) to encourage the Secretary to identify all programs, services, functions, and activities (or portions thereof) of the Department of Health and Human Services that may be managed by an Indian tribe under this Act and to assist Indian tribes in assuming responsibility for such programs, services, functions, and activities (or portions thereof); and

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

SEC. 4. TRIBAL SELF-GOVERNANCE.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following 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, repair, improvement, or expansion of buildings or facilities, as described in a construction project agreement. The term 'construction project' does not mean construction program administration and activities described in paragraphs (1) through (3) of section 4(m), which may otherwise be included in a funding agreement under this title;

"(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;

"(D) addresses environmental considerations;

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

"(F) provides a budget;

"(G) provides a payment 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;

"(3) the term 'inherent Federal functions' means those Federal functions which cannot legally be delegated to Indian tribes;

"(4) 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, in-

cluding, but not limited to, a tribal organization;

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

"(6) the term 'tribal shares' means an Indian tribe's portion of all funds and resources that support secretarial programs, services, functions, and activities (or portions thereof) that are not required by the Secretary for performance of inherent Federal functions;

"(7) the term 'Secretary' means the Secretary of Health and Human Services; and

"(8) the term 'self-governance' means the program established pursuant to section 501.

"(b) INDIAN TRIBE.—Where an Indian tribe has authorized another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this title, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this title). In such event, the term 'Indian tribe' as used in this title shall include such other authorized Indian tribe, inter-tribal consortium, or tribal organization.

"SEC. 503. SELECTION OF PARTICIPATING INDIAN TRIBES.

"(a) CONTINUING PARTICIPATION.—Each Indian tribe that is participating in the Tribal Self-Governance Demonstration Project under title III on the date of enactment of this title may elect to participate in self-governance under this title under existing authority as reflected in tribal resolutions.

"(b) ADDITIONAL PARTICIPANTS.—

"(1) In addition to those Indian tribes participating in self-governance under subsection (a), each year an additional 50 Indian tribes that meet the eligibility criteria specified in subsection (c) shall be entitled to participate in self-governance.

"(2)(A) An Indian tribe that has withdrawn from participation in an inter-tribal consortium or tribal organization, in whole or in part, shall be entitled to participate in self-governance provided the Indian tribe meets the eligibility criteria specified in subsection (c).

"(B) If an Indian tribe has withdrawn from participation in an inter-tribal consortium or tribal organization, it shall be entitled to its tribal share of funds supporting those programs, services, functions, and activities (or portions thereof) that it will be carrying out under its compact and funding agreement.

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

"(c) APPLICANT POOL.—The qualified applicant pool for self-governance shall consist of each Indian tribe that—

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

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

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