

109TH CONGRESS  
1ST SESSION

# S. 1312

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2005

Referred to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## AN ACT

To amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Reducing Conflicts of  
5       Interests in the Representation of Indian Tribes Act of  
6       2005”.

1 **SEC. 2. ADDITIONAL EMPLOYMENT RIGHTS.**

2 Section 104 of the Indian Self-Determination and  
3 Education Assistance Act (25 U.S.C. 450i) is amended by  
4 striking subsection (j) and inserting the following:

5 “(j) ADDITIONAL EMPLOYMENT RIGHTS.—

6 “(1) DEFINITION OF TRIBAL EMPLOYEE.—In  
7 this subsection, the term ‘tribal employee’, with re-  
8 spect to an Indian tribal government, means an indi-  
9 vidual acting under the day-to-day control or super-  
10 vision of the Indian tribal government, unaffected by  
11 the control or supervision of any independent con-  
12 tractor, agency or organization, or intervening sov-  
13 ereignty.

14 “(2) RIGHTS OF CERTAIN EMPLOYEES.—Not-  
15 withstanding sections 205 and 207 of title 18,  
16 United States Code, an officer or employee of the  
17 United States assigned to an Indian tribe under sec-  
18 tion 3372 of title 5, United States Code, or section  
19 2072 of the Revised Statutes (25 U.S.C. 48), or an  
20 individual that was formerly an officer or employee  
21 of the United States and who is a tribal employee  
22 or an elected or appointed official of an Indian tribe  
23 carrying out an official duty of the tribal employee  
24 or official may communicate with and appear before  
25 any department, agency, court, or commission on be-  
26 half of the Indian tribe on any matter, including any

1 matter in which the United States is a party or has  
2 a direct and substantial interest.

3 “(3) NOTIFICATION OF INVOLVEMENT IN PEND-  
4 ING MATTER.—An officer, employee, or former offi-  
5 cer or employee described in paragraph (2) shall  
6 submit to the head of each appropriate department,  
7 agency, court, or commission, in writing, a notifica-  
8 tion of any personal and substantial involvement the  
9 officer, employee, or former officer or employee had  
10 as an officer or employee of the United States with  
11 respect to the pending matter.”.

12 **SEC. 3. EFFECTIVE DATE.**

13 The effective date of the amendment made by this  
14 Act shall be the date that is 1 year after the date of enact-  
15 ment of this Act.

Passed the Senate December 16, 2005.

Attest: EMILY J. REYNOLDS,  
*Secretary.*