

## Calendar No. 329

109TH CONGRESS  
1ST SESSION**S. 1312****[Report No. 109–208]**

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

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## IN THE SENATE OF THE UNITED STATES

JUNE 27, 2005

Mr. MCCAIN (for himself and Mr. DORGAN) introduced the following bill;  
which was read twice and referred to the Committee on Indian Affairs

DECEMBER 15, 2005

Reported by Mr. MCCAIN, without amendment

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**A BILL**

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) IN GENERAL.—Notwithstanding sections  
7 205 and 207 of title 18, United States Code, an offi-  
8 cer or employee of the United States assigned to an  
9 Indian tribe under section 3372 of title 5, United  
10 States Code, or section 2072 of the Revised Statutes  
11 (25 U.S.C. 48), or an individual that was formerly  
12 an officer or employee of the United States and who  
13 is an employee of an Indian tribe employed to per-  
14 form services pursuant to self-governance contracts  
15 or compacts under this Act that the individual for-  
16 merly performed for the United States, may commu-  
17 nicate with and appear before any department, agen-  
18 cy, court, or commission on behalf of the Indian  
19 tribe with respect to any matter relating to the con-  
20 tract or compact, including any matter in which the  
21 United States is a party or has a direct and sub-  
22 stantial interest.

23 “(2) NOTIFICATION OF INVOLVEMENT IN PEND-  
24 ING MATTER.—An officer, employee, or former offi-  
25 cer or employee described in paragraph (1) shall  
26 submit to the head of each appropriate department,

1       agency, court, or commission, in writing, a notifica-  
2       tion of any personal and substantial involvement the  
3       officer, employee, or former officer or employee had  
4       as an officer or employee of the United States with  
5       respect to the pending matter.”.

6   **SEC. 3. EFFECTIVE DATE.**

7       The effective date of the amendment made by this  
8   Act shall be the date that is 1 year after the date of enact-  
9   ment of this Act.

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