

“(c) ANNUAL REPORTS.—Not later than May 15 of each year, the Secretary shall prepare and submit to Congress an annual report on the implementation of this Act. Such report shall include—

“(1) an accounting of the total amounts of funds provided for each program and the budget activity for direct program costs and contract support costs of tribal organizations under self-determination;

“(2) an accounting of any deficiency in funds needed to provide required contract support costs to all contractors for the fiscal year for which the report is being submitted;

“(3) the indirect cost rate and type of rate for each tribal organization that has been negotiated with the appropriate Secretary;

“(4) the direct cost base and type of base from which the indirect cost rate is determined for each tribal organization;

“(5) the indirect cost pool amounts and the types of costs included in the indirect cost pool; and

“(6) an accounting of any deficiency in funds needed to maintain the preexisting level of services to any Indian tribes affected by contracting activities under this Act, and a statement of the amount of funds needed for transitional purposes to enable contractors to convert from a Federal fiscal year accounting cycle, as authorized by section 105(d).”

#### SEC. 10. REPEAL.

(a) IN GENERAL.—Title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is repealed.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

#### SEC. 11. SAVINGS PROVISION.

Funds appropriated for title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) shall be available for use under title V of such Act.

#### SEC. 12. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health in order to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes—

(1) facilitate advocacy for the development of appropriate Indian health policy; and

(2) promote consultation on matters related to Indian health.

(b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services (referred to in this section as the “Secretary”) may designate. The Assistant Secretary for Indian Health shall—

(1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(2) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(3) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(4) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

(5) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.

(c) REFERENCES.—Reference in any other Federal law, Executive order, rule, regula-

tion, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer to the Assistant Secretary for Indian Health.

(d) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(A) by striking the following:

“Assistant Secretaries of Health and Human Services (6).”; and

(B) by inserting the following:

“Assistant Secretaries of Health and Human Services (7).”

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking the following:

“Director, Indian Health Service, Department of Health and Human Services.”

(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH.—Section 601(a) of the Indian Health Care Improvement Act (25 U.S.C. 1661(a)) is amended—

(1) by inserting “(1)” after “(a)”;

(2) in the second sentence of paragraph (1), as so designated, by striking “a Director,” and inserting “the Assistant Secretary for Indian Health,”; and

(3) by striking the third sentence of paragraph (1) and all that follows through the end of the subsection and inserting the following: “The Assistant Secretary for Indian Health shall carry out the duties specified in paragraph (2).”

“(2) The Assistant Secretary for Indian Health shall—

“(A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

“(B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

“(C) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

“(D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

“(E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.”

(f) CONTINUED SERVICE BY INCUMBENT.—The individual serving in the position of Director of the Indian Health Service on the date preceding the date of enactment of this Act may serve as Assistant Secretary for Indian Health, at the pleasure of the President after the date of enactment of this Act.

(g) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended—

(A) in section 601—

(i) in subsection (c), by striking “Director of the Indian Health Service” both places it appears and inserting “Assistant Secretary for Indian Health”; and

(ii) in subsection (d), by striking “Director of the Indian Health Service” and inserting “Assistant Secretary for Indian Health”; and

(B) in section 816(c)(1), by striking “Director of the Indian Health Service” and inserting “Assistant Secretary for Indian Health”.

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW.—The following provisions are each amended by striking “Director of the Indian Health Service” each place it appears and inserting “Assistant Secretary for Indian Health”:

(A) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761b(a)(1)).

(B) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377 (b) and (e)).

(C) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-2(d)(1)).

#### SEC. 13. APPLICATION TO ALASKA.

(a) Notwithstanding any other provision of law, nothing in this Act, the amendments made thereby, nor its implementation, shall affect

(1) the right of the Consortium or Southcentral Foundation to carry out the programs, functions, services and activities as specified in section 325 of Public Law 105-83 (111 Stat. 55-56), or

(2) the prohibitions in section 351 of section 101(e) of Division A, Public Law 105-277.

(b) Section 351 of section 101(e) of Division A, Public Law 105-277 and section 326 of Public Law 105-83 (111 Stat. 57) are amended by inserting “as amended” after the phrase “Public Law 93-638 (25 U.S.C. 450 et seq.)” where such phrase appears in each section.

## NOTICES OF HEARINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, April 5, 2000, at 9:30 a.m. to markup the nomination of Thomas N. Slonaker, to be Special Trustee for American Indians within the Department of the Interior, and to conduct a hearing on S. 612, “the Indian Needs Assessment and Program Evaluation Act of 1999.” The hearing will be held in the committee room, 485 Russell Senate Building.

Those wishing additional information may contact Committee staff at 202/224-2251.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Commerce, Science, and Transportation will meet for an executive session on Thursday, April 13, 2000, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 4, 2000 at 9:30 a.m., in open session to receive testimony on U.S. support for counter-narcotics activities in the Andean Ridge and neighboring countries.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Tuesday, April 4, 2000, at 2:30 p.m. on export administration reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 4, 2000, at 10:30 a.m. and 2:00 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 4, 2000 at 3:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 4, 2000 at 2:30 p.m., in open session to receive testimony on joint requirements, capabilities, and experimentation in review of the defense authorization request for fiscal year 2001 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DOMENICI. I ask unanimous consent that the staff of the Senate Budget Committee, including fellows and detailees included on the list I send to the desk, be permitted to remain on the Senate floor during consideration of S. Con. Res. 101 and that the list be printed in the RECORD. The list includes majority and minority staff.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MAJORITY STAFF

Dan Brandt, Amy Call, Jim Capretta, Allen Cutler, Beth Felder, Rachel Forward, Alice Grant, Richard Greenough, Jim Hearn, Bill Hoagland, Carole McGuire, Mieko Nakabayashi, Kelly Neville, Maureen O'Neill, Cheri Reidy, Andrew Siracuse, Amy Smith, Bob Stevenson, Margaret Stewart, Cheryle Tucker, Winslow Wheeler, Jennifer Winkler, Sandra Wiseman, Gary Ziehe.

MINORITY STAFF

Nisha Antony, Claudia Arko, Gabby Batkin, Frederic Baron, Steven Benson, Maggie Bierwirth, Patrick Bogenberger, Rock Cheung, Jim Exquea, Bruce King, Lisa Konwinski, Martin Morris, Sue Nelson, Barry Strumpf, Mitch Warren.

ADMINISTRATIVE STAFF

Alex Green, Sahand Sarshar, Lamar Staples, Lynne Seymour, George Woodall.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Sue Nelson and Mitch Warren be granted full access to the floor, and also Jim Hearn and Jim Capretta.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 96-114, as amended, announces the appointment of the following individuals to the Congressional Award Board: Elaine L. Chao, of Kentucky, and Linda Mitchell, of Mississippi.

The Chair, on behalf of the majority leader, after consultation with the Democratic Leader, pursuant to Public Law 93-415, as amended by Public Law 102-586, announces the reappointment of the following individuals to serve as members of the Coordinating Council on Juvenile Justice and Delinquency Prevention: Michael W. McPhail, of Mississippi, to a one-year term; Dr. Larry K. Brendtro, of South Dakota, to a two-year term; and Charles Sims, of Mississippi, to a three-year term.

The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 89 (106th Congress), appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Senator from Mississippi (Mr. LOTT), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Connecticut (Mr. DODD).

TRIBAL SELF-GOVERNANCE AMENDMENTS OF 1999

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 412, S. 979.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 979) to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

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-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—

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

(2) to 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 portion 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:

"TITLE V—TRIBAL SELF-GOVERNANCE

"SEC. 501. DEFINITIONS.

"(a) IN GENERAL.—In this title:

"(1) CONSTRUCTION PROJECT.—The term 'construction project'—

"(A) 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; and