

S 1715

Department of the Interior Tribal Self-Governance Act of 2004

**Congress:** 108 (2003–2005, Ended)

**Chamber:** Senate

**Policy Area:** Native Americans

**Introduced:** Oct 3, 2003

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 804.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 804. (Nov 16, 2004)

**Official Text:** <https://www.congress.gov/bill/108th-congress/senate-bill/1715>

Sponsor

**Name:** Sen. Campbell, Ben Nighthorse [R-CO]

**Party:** Democratic • **State:** CO • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Inouye, Daniel K. [D-HI]	D · HI		Oct 3, 2003

Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Reported By	Nov 16, 2004

Subjects & Policy Tags

**Policy Area:**

Native Americans

Related Bills

No related bills are listed.

Department of the Interior Tribal Self-Governance Act of 2004 - (Sec. 2) Amends the Indian Self-determination and Education Assistance Act to revise title IV provisions for tribal self-governance.

Authorizes participation in the tribal self-governance program within the Department of the Interior by any Indian tribe that meets specified eligibility criteria. Prohibits the Secretary of the Interior from limiting the number of additional tribes to be selected each year from among tribes that are so eligible.

Allows an Indian tribe to opt to authorize another Indian tribe, an intertribal consortium, or a tribal organization to plan for or carry out an included program on its behalf under title IV. Allows two or more Indian tribes, not otherwise eligible, to be treated as a single tribe to participate in self-governance as a consortium, if each tribe so requests and if the consortium itself is eligible. Allows a tribe to withdraw from a consortium and participate in self-governance on its own if it meets eligibility criteria. Requires the planning phase to be conducted to the satisfaction of the Indian tribe.

Makes eligible for planning and negotiation grants those Indian tribes that have met certain requirements (involving their official request for participation in self-governance and their demonstration of financial stability and management capability); but provides that receipt of such a grant is not a requirement for participation in self-governance.

Revises requirements for compacts and funding agreements. Eliminates a requirement that funding agreements be annual.

Continues requirements that funding agreements include all programs carried out by the Bureau of Indian Affairs (BIA) that are provided for or administered by the Secretary under specified Acts or for the benefit of Indians from funds of agencies other than the Department. Adds to existing programs under this category those carried out by the Office of Special Trustee, programs provided for the benefit of Indians because of their status as Indians, and all programs with respect to which Indian tribes or Indians are primary or significant beneficiaries.

Requires, in addition, that funding agreements, as determined by the Indian tribe, authorize the Indian tribe to plan, conduct, consolidate, administer, and receive full tribal share funding for all programs carried out by the Secretary outside the BIA, without regard to the agency or office within which the program is performed, including funding for certain agency, area, and central office functions.

Allows a funding agreement, as the parties consider appropriate, to include additional programs administered by the Secretary that are of special geographical, historical, or cultural significance to the Indian tribe.

Continues current exclusions from funding agreements of programs under the Tribally Controlled Community College Assistance Act of 1978, or for elementary and secondary schools under a formula developed the Education Amendments of 1978, or for the Flathead Agency Irrigation or Power Divisions.

Authorizes Indian tribes, at their discretion, to negotiate multiyear funding agreements with the Secretary.

Revises requirements for monitoring by the Secretary of funding agreements with respect to Indian tribes' performance of trust functions. Declares that, before the Secretary may reassume an included program and its associated funding, there must be: (1) a specific finding regarding imminent jeopardy to a physical trust asset, natural resource, or public health and safety, or regarding gross mismanagement; and (2) provision of notice, hearing, and an opportunity for the tribe to correct the problem. Authorizes the Secretary, in exceptional cases where there is a finding of imminent, substantial, and

irreparable harm, to give written notice to the tribe and immediately resume operation of an included program.

Sets forth procedures in cases of inability to agree on a compact or funding agreement.

Prescribes requirements for: (1) construction programs and projects; (2) payments to tribes to carry out funding agreements; (3) civil actions; (4) disclaimers; (5) annual budget requests; and (6) appeals of the Secretary's decisions under title IV.

Authorizes appropriations.

### **Actions Timeline**

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- **Nov 16, 2004:** Committee on Indian Affairs. Reported by Senator Campbell with amendments. With written report No. 108-413.
- **Nov 16, 2004:** Committee on Indian Affairs. Reported by Senator Campbell with amendments. With written report No. 108-413.
- **Nov 16, 2004:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 804.
- **Jun 16, 2004:** Committee on Indian Affairs. Ordered to be reported with amendments favorably.
- **May 12, 2004:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 108-584.
- **Oct 3, 2003:** Introduced in Senate
- **Oct 3, 2003:** Sponsor introductory remarks on measure. (CR S12462)
- **Oct 3, 2003:** Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S12462-12468)