

HR 4347

Department of the Interior Tribal Self-Governance Act of 2010

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Native Americans

Introduced: Dec 16, 2009

Current Status: Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 111-923.

Latest Action: Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 111-923. (Nov 18, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/4347>

Sponsor

Name: Rep. Boren, Dan [D-OK-2]

Party: Democratic • **State:** OK • **Chamber:** House

Cosponsors (15 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Walz, Timothy J. [D-MN-1]	D · MN		Dec 16, 2009
Rep. Heinrich, Martin [D-NM-1]	D · NM		Feb 23, 2010
Rep. Kildee, Dale E. [D-MI-5]	D · MI		Apr 13, 2010
Rep. Napolitano, Grace F. [D-CA-38]	D · CA		May 27, 2010
Rep. Young, Don [R-AK-At Large]	R · AK		May 27, 2010
Del. Faleomavaega, Eni F. H. [D-AS-At Large]	D · AS		May 28, 2010
Del. Sablan, Gregorio Kilili Camacho [D-MP-At Large]	D · MP		Jun 9, 2010
Rep. Clay, Wm. Lacy [D-MO-1]	D · MO		Jun 9, 2010
Rep. Cole, Tom [R-OK-4]	R · OK		Jun 9, 2010
Rep. Richardson, Laura [D-CA-37]	D · CA		Jun 9, 2010
Rep. Honda, Michael M. [D-CA-15]	D · CA		Jun 15, 2010
Rep. Larsen, Rick [D-WA-2]	D · WA		Jun 15, 2010
Rep. Inslee, Jay [D-WA-1]	D · WA		Jun 24, 2010
Rep. Rehberg, Denny [R-MT-At Large]	R · MT		Jul 20, 2010
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Jul 21, 2010

Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Hearings By (full committee)	Nov 18, 2010
Natural Resources Committee	House	Reported By	Sep 16, 2010

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

No related bills are listed.

Department of the Interior Tribal Self-Governance Act of 2010 - **Title I: Indian Self-Determination** - (Sec. 101) Amends the Indian Self-Determination and Education Assistance Act to redefine "self-determination contract" as a contract, grant, or cooperative agreement entered into under title I of such Act between a tribal organization and the appropriate Secretary for the planning, conduct, and administration of programs or services provided to Indian tribes and members of tribes pursuant to federal law, subject to the condition that, except for certain construction contracts, no such contract, grant, or cooperative agreement shall be: (1) considered to be a procurement contract; or (2) with a specified exception, subject to federal procurement law.

(Sec. 102) Directs the Secretary of the Interior to negotiate compacts and funding agreements in good faith to maximize implementation of the self-governance policy.

(Sec. 103) Directs the Secretary to interpret all federal laws, regulations, and executive orders in a manner that facilitates: (1) inclusion in self-determination contracts and funding agreements of applicable programs, services, and related funds; (2) implementation of self-determination contracts and funding agreements; and (3) achievement of tribal health objectives.

(Sec. 104) Includes specified percentages of costs for programs, functions, services, and activities as eligible self-determination contract funding costs.

(Sec. 105) Revises provisions concerning the model statutory agreement.

Title II: Tribal Self-Governance - (Sec. 201) Revises title IV of the Act.

Establishes the Tribal Self-Governance Program.

Authorizes the Secretary, through the Director of the Office of Self-Governance, to select up to 50 new Indian tribes per year to participate in self-governance.

Provides that two or more tribes that are not otherwise eligible for participation may be treated as a single tribe for the purpose of participating in self-governance as a tribal organization if: (1) each tribe so requests; and (2) the tribal organization itself or at least one of the tribes is eligible.

Permits a tribe that withdraws from participation in a tribal organization to participate in self-governance if the tribe is eligible.

Requires a tribe, in order to be eligible to participate in self-governance, to: (1) complete a planning phase; (2) request participation in self-governance by the tribal governing body; and (3) demonstrate for the three fiscal years preceding the date on which the tribe requests participation financial stability and management capability.

Directs the Secretary to negotiate and enter into: (1) a compact with each Indian tribe participating in self-governance in a manner consistent with the trust responsibility of the federal government, treaty obligations, and the government-to-government relationship between tribes and the United States; and (2) a funding agreement with the governing body of an Indian tribe or tribal organization in a manner consistent with the trust responsibility of the federal government, treaty obligations, and the government-to-government relationship between tribes and the United States.

Makes grants available for participation in self-governance.

States that a funding agreement: (1) shall authorize the tribe to plan, conduct, administer, and receive full tribal share funding for specified programs carried out by the Bureau of Indian Affairs (BIA), the Office of the Assistant Secretary for Indian Affairs, and the Office of Special Trustee; and (2) may include programs, services, and functions that are of special geographic, historical, or cultural significance to the tribe.

Sets forth funding agreement provisions regarding: (1) competitive bidding; (2) excluded funding; (3) services; and (4) budget.

Permits retention of existing funding agreements.

Requires a tribe participating in self-governance to: (1) have measures in place to address administrative conflicts of interest; and (2) maintain records.

Authorizes a tribe to: (1) redesign or consolidate programs or reallocate funds so long as the redesign or consolidation does not deny eligibility for services to population groups otherwise eligible to be served under federal law; and (2) fully or partially retrocede to the Secretary any program under a compact or funding agreement.

Requires a funding agreement to include a provision: (1) to monitor the performance of trust functions by the tribe through the annual trust evaluation; and (2) for the Secretary to reassume a program and associated funding in circumstances of imminent jeopardy to a trust asset, natural resources, or public health and safety that is caused by the tribe and arises out of a failure to carry out the compact or funding agreement.

Sets forth provisions governing a situation in which the Secretary and a tribe are unable to agree on compact or funding agreement.

Authorizes a tribe participating in tribal self-governance to carry out construction projects, including certain related federal environmental activities.

Directs the Secretary, upon request of the tribe's governing body, to provide the tribe with financial assistance to carry out the funding agreement.

Authorizes a funding agreement to provide for multiyear funding.

Directs the Secretary to transfer tribal shares and resources to a tribe in a timely fashion.

Restricts the Secretary's authority to reduce annual funding.

Authorizes a tribe to carry over funding, interest, or income from year to year without diminishing future entitlements.

Prohibits a tribe from being obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement.

Directs the the Secretary to interpret federal law in a manner that facilitates funding agreements.

States that nothing in this title expands or alters the Secretary's authority so as to authorize the Secretary to enter into any funding agreement: (1) with respect to an inherent federal function; (2) where a program prohibits the type of participation sought by the tribe; or (3) which reduces or limits the services, contracts, or funds that any other tribe or tribal organization is eligible to receive under federal law.

Permits, at the option of a participating Indian tribe or Indian tribes, any of the provisions of title I to be incorporated in any compact or funding agreement.

Requires the President to identify in a report to accompany the annual budget request submitted to Congress all amounts necessary to fully fund all funding agreements entered into under this Act. Requires the Secretary to identify in a report accompanying each budget request the amount of funds that are sufficient for planning and negotiation grants and sufficient to cover any shortfall in certain funding, including direct program costs, tribal shares, and contract support costs.

Sets forth additional reporting requirements.

Provides for the issuance of regulations.

Puts the burden of proof on the Secretary in any administrative appeal or civil action for judicial review of any decision made by the Secretary under this title.

Authorizes appropriations to carry out this title.

Actions Timeline

- **Nov 18, 2010:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 111-923.
- **Sep 29, 2010:** Read twice and referred to the Committee on Indian Affairs.
- **Sep 23, 2010:** Received in the Senate.
- **Sep 22, 2010:** Mrs. Christensen moved to suspend the rules and pass the bill, as amended.
- **Sep 22, 2010:** Considered under suspension of the rules. (consideration: CR H6814-6821)
- **Sep 22, 2010:** DEBATE - The House proceeded with forty minutes of debate on H.R. 4347.
- **Sep 22, 2010:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H6814-6820)
- **Sep 22, 2010:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H6814-6820)
- **Sep 22, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 16, 2010:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 111-603.
- **Sep 16, 2010:** Placed on the Union Calendar, Calendar No. 348.
- **Jul 22, 2010:** Committee Consideration and Mark-up Session Held.
- **Jul 22, 2010:** Ordered to be Reported (Amended) by Voice Vote.
- **Jun 9, 2010:** Committee Hearings Held.
- **Dec 16, 2009:** Introduced in House
- **Dec 16, 2009:** Referred to the House Committee on Natural Resources.