

103^D CONGRESS
1ST SESSION

S. 410

To establish within the Bureau of Indian Affairs a program to improve the management of rangelands and farmlands and the production of agricultural resources on Indian lands, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 18 (legislative day, JANUARY 5), 1993

Mr. DASCHLE (for himself, Mr. INOUE, Mr. MCCAIN, Mr. COCHRAN, Mr. SIMON, and Mr. DECONCINI) introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

A BILL

To establish within the Bureau of Indian Affairs a program to improve the management of rangelands and farmlands and the production of agricultural resources on Indian lands, 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Indian Agricultural Resources Management Act of
6 1993”.

7 (b) TABLE OF CONTENTS.—

- Sec. 101. Findings.
- Sec. 102. Purposes.
- Sec. 103. Definitions.

TITLE II—RANGELAND AND FARMLAND ENHANCEMENT

- Sec. 201. Management of Indian rangelands and farmlands.
- Sec. 202. Indian participation in land management activities.
- Sec. 203. Comparative analysis of Indian rangeland and farmland management programs.
- Sec. 204. Leasing of Indian rangelands and farmlands.

TITLE III—EDUCATION IN AGRICULTURE AND NATURAL RESOURCE MANAGEMENT

- Sec. 301. Establishment of Indian and Alaska Native agriculture and natural resources management education assistance program.
- Sec. 302. Postgraduation recruitment, education and training programs.
- Sec. 303. Cooperative agreement between the Department of the Interior and Indian tribes.
- Sec. 304. Obligated service; breach of contract.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

- Sec. 401. Authorizations.

TITLE V—MISCELLANEOUS

- Sec. 501. Regulations.
- Sec. 502. Severability.
- Sec. 503. Trust responsibility.
- Sec. 504. Miscellaneous.

1 **TITLE I—GENERAL PROVISIONS**

2 **SEC. 101. FINDINGS.**

3 (a) FINDINGS.—The Congress finds and declares
4 that—

5 (1) Indian rangelands and farmlands are renew-
6 able and manageable natural resources that are
7 among the most valuable Indian assets and are vital
8 to the economic and social welfare of individual Indi-
9 ans and Indian tribes.

10 (2) Increased development and intensive man-
11 agement of Indian rangelands and farmlands will

1 produce increased economic returns, enhance Indian
2 self-determination, promote employment opportuni-
3 ties, and improve the social and economic well-being
4 of Indian and surrounding communities.

5 (3) The United States has a trust responsibility
6 to protect, conserve and enhance Indian rangelands
7 and farmlands consistent with its fiduciary obliga-
8 tion and its unique relationship with Indian tribes
9 and extends to all Federal agencies.

10 (4) Existing Federal laws do not sufficiently as-
11 sure the adequate and necessary trust management
12 of Indian rangelands and farmlands.

13 (5) The Federal investment in, and the man-
14 agement of Indian rangelands and farmlands is sig-
15 nificantly below the level of investment in, and man-
16 agement of, rangelands and farmlands under the ad-
17 ministration of the Bureau of Lands Management,
18 Bureau of Reclamation, the National Forest Service,
19 and private landowners.

20 (6) The beneficial use of Indian rangelands and
21 farmlands by Indians is in serious decline through-
22 out Indian country.

23 (7) Despite the Federal policy of Indian self-de-
24 termination, Federal laws and policies have limited
25 the authority and ability of tribal governments and

1 Indian communities to develop land-based programs
2 on the basis of local priorities.

3 **SEC. 102. PURPOSES.**

4 The purposes of this Act are to:

5 (1) Promote and increase and enable the oppor-
6 tunities for Indian use of their own resources so as
7 to use Indian natural and human resources to
8 achieve tribal goals, to decrease idle or underutilized
9 land, reverse the damaging long-term losses in pro-
10 ductivity and land values, and increase local employ-
11 ment opportunities, community income, and social
12 stability.

13 (2) Safeguard the investments made in Indian
14 rangelands and farmlands and agricultural enter-
15 prises and provide adequate, stable, and secure au-
16 thority for the protection, conservation, utilization,
17 and enhancement of Indian rangeland and farmland
18 resources.

19 (3) Support and improve tribal self-determina-
20 tion by authorizing and facilitating the active tribal
21 participation in the management decisionmaking
22 processes on the allocation and use of local natural
23 resources.

24 (4) Improve Indian access to Federal agri-
25 culture, rural development and related programs

1 which are available to the American society at large
2 through the various departments of the Federal Gov-
3 ernment.

4 (5) Provide for the development and manage-
5 ment of Indian rangelands and farmlands at a level
6 at least commensurate with the level of development
7 and management afforded to federally owned or con-
8 trolled lands.

9 (6) Meet the trust responsibility of the United
10 States and promote self-determination of Indian
11 tribes by managing Indian rangelands and farm-
12 lands and related renewable resources in a manner
13 consistent with identified tribal goals and priorities,
14 and nationally adopted multiple use and sustained
15 yield principles.

16 (7) Increase the educational and training oppor-
17 tunities available to Indian people and communities
18 in the practical, technical and professional aspects of
19 agriculture, natural resources, and land management
20 to improve local expertise and technical abilities and
21 create a cadre of professional Indian agriculture re-
22 source managers who can provide leadership to the
23 tribal, Federal and private sectors on Indian land
24 and resource management issues.

1 **SEC. 103. DEFINITIONS.**

2 For the purposes of this Act:

3 (1) The term “agricultural land” means Indian
4 land, excluding Indian forest land, that is used for
5 the production of agricultural products, and lands
6 occupied by industries that support the agricultural
7 community, regardless of whether a formal inspec-
8 tion and land classification has been taken.

9 (2) The term “agricultural resource” means—

10 (A) all the primary means of production,
11 including the land, soil, water, air, plant com-
12 munities, watersheds, climate, human resources,
13 natural physical attributes and man-made de-
14 velopments which together comprise the agricul-
15 tural community; and

16 (B) all the benefits derived from agricul-
17 tural land and enterprises, including cultivated
18 and gathered food products, fibers, horticultural
19 products, dyes, cultural or religious condiments,
20 medicines, water, cultivated fisheries, wildlife,
21 recreation, aesthetic and other traditional val-
22 ues of agriculture and rangelands.

23 (3) The term “agricultural product” means—

24 (A) crops grown under cultivated condi-
25 tions whether used for personal consumption,
26 subsistence, or sold for commercial benefit;

1 (B) domestic livestock including cattle,
2 sheep, goats, horses, buffalo, swine, Alaska
3 reindeer, fowl, cultivated fish, or other animals
4 specifically raised and utilized for food, fiber, or
5 as a beast of burden;

6 (C) forage, hay, fodder, feed grains, crop
7 residues and other items grown or harvested for
8 the feeding and care of livestock, sold for com-
9 mercial profit, or used for other purposes;

10 (D) naturally occurring noncultivated
11 plants and animals gathered for commercial
12 sale, personal use, cultural or religious activities
13 or for other purposes such as use in teas, medi-
14 cines, as herbs or spices, for decoration, or for
15 traditional purposes; and

16 (E) other marketable or traditionally used
17 materials authorized for removal from agricul-
18 tural lands.

19 (4) The term “land management activity”
20 means all activities, accomplished in support of the
21 management of Indian agricultural land, including
22 but not limited to—

23 (A) preparation of inventories and manage-
24 ment plans;

1 (B) agricultural land and infrastructure
2 development, and the application of accepted
3 soil or range management techniques to im-
4 prove or restore the productive capacity of the
5 land;

6 (C) protection against agricultural pests,
7 including development, implementation, and
8 evaluation of integrated pest management pro-
9 grams to control noxious weeds, undesirable
10 vegetation, vertebrate or invertebrate agricul-
11 tural pests;

12 (D) administration and supervision of agri-
13 cultural leasing and permitting activities, in-
14 cluding determination of proper land use and
15 proper stocking rates of livestock, appraisal, ad-
16 vertisement, negotiation, contract preparation,
17 collecting, recording, and distributing lease
18 rental receipts;

19 (E) technical assistance to individuals and
20 tribes engaged in agricultural production or
21 agribusiness; and

22 (F) educational assistance in agriculture,
23 natural resources, land management and relat-
24 ed fields of study including direct assistance to
25 community, tribal and land grant colleges in de-

1 veloping and implementing curriculum for voca-
2 tional, technical and professional course work.

3 (5) The term “farmland” means Indian land,
4 excluding Indian forest land, that is used for produc-
5 tion of food, feed, fiber, forage and oil seed crops,
6 or other agricultural products, and may be either
7 dryland or irrigated.

8 (6) The term “rangeland” means Indian land,
9 excluding Indian forest land, on which the native
10 vegetation is predominantly grasses, grass-like
11 plants, forbs or shrubs suitable for grazing or brows-
12 ing use, and includes lands revegetated naturally or
13 artificially to provide a forage cover that is managed
14 like native vegetation. Rangelands include natural
15 grasslands, savannahs, shrublands, most deserts,
16 tundra, alpine communities, coastal marshes and wet
17 meadows.

18 (7) The term “forest land” means Indian forest
19 land as defined in section 304(3) of Public Law
20 101-630.

21 (8) The term “Indian” means a Native Amer-
22 ican or Alaska Native who is a member of an Indian
23 tribe, as defined in section 4 of the Indian Self-
24 Determination and Education Assistance Act (25
25 U.S.C. 450b).

1 (9) The term “Indian tribe” means any Indian
2 tribe, band, nation, rancheria, pueblo, or other orga-
3 nized dependent Indian group or community, includ-
4 ing any Alaska Native village or regional or village
5 corporation as defined in section 4 of the Indian
6 Self-Determination and Education Assistance Act
7 (25 U.S.C. 450b).

8 (10) The term “Indian land” means land that
9 is—

10 (A) held in trust by the United States for
11 an Indian or Indian tribe;

12 (B) owned by an Indian or Indian tribe
13 and is subject to restrictions against alienation;
14 or

15 (C) dependent Indian communities.

16 (11) The term “landowner” means the Indian
17 or Indian tribe that—

18 (A) owns such land, or

19 (B) is the beneficiary of the trust under
20 which such land is held by the United States.

21 (12) The term “Secretary” means the Secretary
22 of the Interior, except where otherwise specifically
23 designated.

24 (13) The term “Indian enterprise” means an
25 enterprise—

1 (A) which—

2 (i) is engaged in construction (within
3 the meaning of the Indian Self-Determina-
4 tion and Education Assistance Act (25
5 U.S.C. 450 et seq.)), and is entirely owned
6 by Indians, or Indian tribes, that receive
7 100 percent of the profits of the enter-
8 prise; and

9 (ii) is engaged in any business other
10 than construction and at least 51 percent
11 of the enterprise is owned by Indians, or
12 Indian tribes, that receive not less than 51
13 percent of the profits of the enterprise; or

14 (B) which—

15 (i) is entirely owned by an Indian
16 tribe; or

17 (ii) has an Indian owner who—

18 (I) acts as the chief executive of-
19 ficer of the enterprise; and

20 (II) has the experience and train-
21 ing to manage, and does in fact man-
22 age, day-to-day activities of the enter-
23 prise.

1 **TITLE II—RANGELAND AND**
2 **FARMLAND ENHANCEMENT**

3 **SEC. 201. MANAGEMENT OF INDIAN RANGELANDS AND**
4 **FARMLANDS.**

5 (a) **MANAGEMENT ACTIVITIES.**—Pursuant to existing
6 law, the Secretary shall manage Indian rangelands and
7 farmlands, either directly or through cooperative agree-
8 ments, self-determination contracts, compacts and grants
9 under the Indian Self-Determination and Education As-
10 sistance Act (Act of January 4, 1975; Public Law 93-
11 638; 88 Stat. 2204; 25 U.S.C. 450b), or such other legal
12 mechanisms as are appropriate.

13 (b) **MANAGEMENT OBJECTIVES.**—Indian rangeland
14 and farmland management activities shall be designed to
15 achieve the following objectives—

16 (1) to protect, conserve, utilize, and enhance
17 rangelands and farmlands in a perpetually produc-
18 tive state through the application of sound agro-
19 nomic and economic principles to the planning, de-
20 velopment, inventorying, classification, and manage-
21 ment of agricultural resources;

22 (2) to increase production and expand the di-
23 versity and availability of agricultural products for
24 subsistence, income, and employment of Indians and

1 Alaska Natives, through the development of agricul-
2 tural resources;

3 (3) to manage agricultural resources to protect
4 and enhance other values such as wildlife, fisheries,
5 cultural resources, recreation, and regulate water
6 runoff and minimize soil erosion;

7 (4) to enable farmers and ranchers to maximize
8 the potential benefits available to them through their
9 land by providing technical assistance, training and
10 education in conservation practices, management
11 and economics of agribusiness, sources and use of
12 credit, marketing of agricultural products, and other
13 applicable subject areas;

14 (5) to develop Indian rangelands and farmlands
15 and associated value-added industries of Indians and
16 Indian tribes to promote self-sustaining commu-
17 nities, and so that Indians may receive from their
18 trust lands not only lease value, but also the benefit
19 of the labor and profit that such land is capable of
20 producing; and

21 (6) to assist trust and restricted landowners in
22 leasing their farmland and rangeland for a reason-
23 able annual return, consistent with prudent manage-
24 ment and conservation practices, and community

1 goals as expressed in the tribal management plans
2 and appropriate tribal ordinances.

3 (c) MANAGEMENT PLANS.—To achieve the objectives
4 set forth in subsections (a) and (b), the Secretary, with
5 full and active consultation with, and policy direction
6 from, the tribe or tribes to be served and consistent with
7 his trust responsibility, shall immediately embark on a res-
8 ervation-by-reservation agricultural land resource man-
9 agement planning program encompassing or reflecting the
10 following:

11 (1) A closed-term three-year effort conducted at
12 the local tribe and agency level working through the
13 governments of the tribes and in public meetings to
14 determine and document the specific agriculture and
15 land resource goals and desires of the local tribe and
16 community.

17 (2) The defined goals as the basis in creating
18 a ten-year agriculture program and land manage-
19 ment plans to attain the goals defined for commu-
20 nity lands and reservations by using public meetings,
21 existing surveys, reports, local knowledge of the land
22 and resources available from Federal agencies, tribal
23 community colleges, and land grant institutions.

24 (3) A mechanism for assuring that the result of
25 this three-year program will be specific, documented

1 agriculture and land management programs, created
2 and approved by the effected tribe or tribes, which
3 address specific community concerns for land use
4 and development. The individual reservation or trib-
5 al agricultural management planning documents will
6 provide the direction to the Bureau of Indian Affairs
7 and the tribes in the management and administra-
8 tion of the Indian owned agricultural trust re-
9 sources. These program documents will also provide
10 the basis for the application of Indian self-deter-
11 mination contracting of Agriculture and Natural Re-
12 source Programs under the Indian Self-Determina-
13 tion and Education Assistance Act.

14 (4) The contract and grant provisions of the In-
15 dian Self-Determination and Education Assistance
16 Act shall be applicable to the development of these
17 management plans.

18 **SEC. 202. INDIAN PARTICIPATION IN LAND MANAGEMENT**
19 **ACTIVITIES.**

20 (a) TRIBAL RECOGNITION.—The Secretary shall rec-
21 ognize tribal governments as the governmental entities
22 with the authority to enact and enforce, for lands under
23 their jurisdiction, land use planning, zoning, and other
24 land use ordinances and shall conduct all land manage-
25 ment activities in accordance with tribal goals and objec-

1 tives as set forth in the land management plans and tribal
2 laws and ordinances.

3 (b) TRIBAL LAWS.—Unless otherwise prohibited by
4 Federal law, the Secretary shall comply with tribal laws
5 pertaining to Indian agricultural lands, including zoning
6 and land use laws, and laws regulating the environment
7 or historic or cultural preservation, and shall cooperate
8 with the enforcement of such laws on Indian agricultural
9 lands. Such cooperation shall include—

10 (1) assistance in the enforcement of such laws;

11 (2) provision of notice of such laws to persons
12 or entities undertaking activities on Indian agricul-
13 tural lands; and

14 (3) upon request of an Indian tribe, an appear-
15 ance in tribal forums.

16 (c) WAIVER OF REGULATIONS.—In any case in which
17 a regulation or administrative policy of the Department
18 of the Interior conflicts with or impedes—

19 (1) meeting the objectives of the management
20 plan provided for in section 201; or

21 (2) conflicts with a tribal law,

22 the Secretary shall waive the application of such regula-
23 tion or administrative policy unless such waiver would con-
24 stitute a violation of a Federal statute or judicial decision,

1 or would conflict with his general trust responsibility
2 under Federal law.

3 (d) This section does not constitute a waiver of the
4 sovereign immunity of the United States. Moreover, this
5 section does not authorize tribal courts to review actions
6 of the Secretary.

7 **SEC. 203. COMPARATIVE ANALYSIS OF INDIAN RANGELAND**
8 **AND FARMLAND MANAGEMENT PROGRAMS.**

9 (a) COMPARATIVE ANALYSIS.—Within 90 days after
10 the date of enactment of this Act, the Secretary shall as-
11 semble a Task Force consisting of appropriate officials of
12 Indian tribal governments, the Bureau of Indian Affairs,
13 the Bureau of Land Management, the United States Park
14 Service, the Inter-Tribal Agriculture Council, the South-
15 west Inter-Tribal Agriculture Council, and such other non-
16 governmental persons or entities as the Secretary may
17 deem appropriate to develop a comparative analysis of
18 Federal investment and management efforts for Indian
19 agricultural trust lands as compared to federally owned
20 lands managed by other Federal agencies or instrumental-
21 ities. The Secretary shall request the Secretary of Agri-
22 culture to make available on a nonreimbursable basis ap-
23 propriate personnel from the Department of Agriculture
24 to assist in the development of such analysis.

1 (b) PURPOSES.—The purposes of the comparative
2 analysis and the Survey Instrument shall be—

3 (1) to establish a comprehensive assessment of
4 the needs for management improvement, funding,
5 and development needs for each reservation with In-
6 dian rangeland and farmland;

7 (2) to establish a comparison of management
8 and funding provided to comparable lands owned or
9 managed by the Federal Government through Fed-
10 eral agencies other than the Bureau of Indian Af-
11 fairs;

12 (3) to identify and to recommend mitigation
13 measures for any obstacles to Indian access to Fed-
14 eral or private programs relating to agriculture or
15 related rural development programs available to the
16 American public at large; and

17 (4) to provide guidance in the development of
18 the management plans required under the provisions
19 of section 201 of this Act.

20 (c) IMPLEMENTATION.—Within six months from the
21 date of enactment of this Act, the Secretary shall provide
22 the Committee on Interior and Insular Affairs of the
23 House of Representatives and the Select Committee on In-
24 dian Affairs of the Senate with a status report on the de-
25 velopment of the comparative analysis required by this

1 section, and shall file a final report with the Congress not
2 more than nine months from the date of enactment of this
3 Act.

4 **SEC. 204. LEASING OF INDIAN RANGELANDS AND FARM-**
5 **LANDS.**

6 (a) **AUTHORITY OF THE SECRETARY.**—The Sec-
7 retary—

8 (1) is authorized to approve any agricultural
9 lease or permit with a tenure up to ten years, or a
10 tenure longer than ten years but not to exceed 25
11 years unless authorized by other Federal law, when,
12 in the opinion of the Secretary, such lease or permit
13 requires substantial investment in development of
14 the lands and/or crops by the lessee and such longer
15 tenure is determined by the Secretary to be in the
16 best interest of the landowners;

17 (2) is authorized to lease or permit agricultural
18 lands at rates less than the Federal appraisal when
19 such action would be in the best interest of the land-
20 owner, and in such instances, when such land has
21 been satisfactorily advertised for lease, the highest
22 responsible bid shall be accepted; and

23 (3) is authorized to waive or modify the re-
24 quirement that a lessee post a surety or performance

1 bond on agricultural leases and permits issued by
2 the Secretary.

3 (b) AUTHORITY OF THE TRIBE.—When authorized
4 by an appropriate tribal resolution establishing a general
5 policy for leasing of Indian agricultural lands, the Sec-
6 retary—

7 (1) shall provide a preference to Indian opera-
8 tors in the issuance and renewal of agriculture leases
9 and permits, so long as the lessor receives fair mar-
10 ket value for his property;

11 (2) shall waive or modify the requirement that
12 a lessee post a surety or performance bond on agri-
13 cultural leases and permits issued by the Secretary,
14 provided that nothing in this paragraph shall be con-
15 strued to restrict the discretion currently vested in
16 the Secretary to waive or modify the bond require-
17 ments in the absence of a tribal resolution to the
18 contrary; and

19 (3) when such tribal resolution sets forth a trib-
20 al definition of what constitutes “highly fractionated
21 undivided heirship lands” and adopts an alternative
22 plan for providing notice to owners, the Secretary is
23 authorized to waive or modify the general notice pro-
24 visions and negotiate and lease or permit such highly
25 fractionated undivided interest heirship lands in

1 order to prevent waste, reduce idle land acreage and
2 ensure income.

3 (c) RIGHTS OF INDIVIDUAL LAND OWNERS.—(1)

4 Nothing in this section shall be construed as limiting or
5 altering the authority or right of an individual allottee in
6 the use of his or her own land or to enter into an agricul-
7 tural lease of the surface interest of his or her allotment
8 under any other provision of law.

9 (2) The owners of a majority interest in any trust
10 or restricted land (meaning an interest greater than 50
11 percent of the legal or beneficial title) are authorized to
12 enter into an agricultural lease of the surface interest of
13 a trust or restricted allotment, and such lease shall be
14 binding upon the owners of the minority interests in such
15 land, provided that the terms of the lease provide such
16 minority interests with not less than fair market value for
17 such land.

18 (3) The provisions of subsection (b) shall not be ap-
19 plicable to any parcel of trust or restricted land if the own-
20 ers of 50 percent of the legal or beneficial interest in such
21 land file with the Secretary a written objection to the ap-
22 plication of all or any part of such tribal rules to the leas-
23 ing of such parcel of land.

1 **TITLE III—EDUCATION IN AGRI-**
2 **CULTURE AND NATURAL RE-**
3 **SOURCE MANAGEMENT**

4 **SEC. 301. ESTABLISHMENT OF INDIAN AND ALASKA NATIVE**
5 **AGRICULTURE AND NATURAL RESOURCES**
6 **MANAGEMENT EDUCATION ASSISTANCE PRO-**
7 **GRAM.**

8 (a) NATURAL RESOURCES INTERN PROGRAM.—(1)
9 Notwithstanding the provisions of title 5 of the United
10 States Code governing appointments in the competitive
11 service, the Secretary shall establish and maintain in the
12 Bureau of Indian Affairs or other appropriate office or
13 bureau within the Department of the Interior at least 20
14 natural resources intern positions in addition to the for-
15 estry intern positions authorized in section 314(a) of Pub-
16 lic Law 101–630 for Indian and Alaska Native students
17 enrolled in an agriculture or natural resources study pro-
18 gram.

19 (2) For purposes of this subsection, the term—

20 (A) “natural resources intern” means an Indian
21 or Alaska Native who—

22 (i) is attending an approved postsecondary
23 school in a full-time agriculture or natural re-
24 source related field; and

1 (ii) is appointed to one of the natural re-
2 sources intern positions established under para-
3 graph (1);

4 (B) “natural resources intern program” means
5 positions established pursuant to paragraph (1) for
6 natural resources interns; and

7 (C) “agriculture or natural resources study pro-
8 gram” includes, but is not limited to, agricultural
9 engineering, agricultural economics, animal hus-
10 bandry, animal science, biological sciences, fishery
11 management, geographic information systems, horti-
12 culture, range management, soil science, veterinary
13 science, and wildlife biology.

14 (3) The Secretary shall pay, by reimbursement or
15 otherwise, all costs for tuition, books, fees and living ex-
16 penses incurred by a natural resources intern while at-
17 tending an approved postsecondary or graduate school in
18 a full-time natural resources study program.

19 (4) A natural resources intern shall be required to
20 enter into an obligated service agreement to serve as an
21 employee in a professional natural resources position with
22 the Department of the Interior or other Federal agency,
23 an Indian tribe, or a tribal natural resource related enter-
24 prise for one year for each year of education for which

1 the Secretary pays the intern's educational costs under
2 paragraph (3) of this subsection.

3 (5) A natural resources intern shall be required to
4 report for service with the Bureau of Indian Affairs or
5 other bureau or agency sponsoring his internship, or to
6 a designated work site, during any break in attendance
7 at school of more than three weeks duration. Time spent
8 in such service shall be counted toward satisfaction of the
9 intern's obligated service agreement under paragraph (4).

10 (b) COOPERATIVE EDUCATION PROGRAM.—(1) The
11 Secretary shall maintain, through the Bureau of Indian
12 Affairs, a cooperative education program for the purpose,
13 among other things, of recruiting Indian and Alaska Na-
14 tive students who are enrolled in secondary schools, trib-
15 ally controlled community colleges, and other postsecond-
16 ary or graduate schools, for employment in professional
17 natural resource related positions with the Bureau of In-
18 dian Affairs or other Federal agency providing Indian nat-
19 ural resource related services, Indian tribal governments,
20 or tribal natural resource related enterprises.

21 (2) The cooperative educational program under para-
22 graph (1) shall be modeled after, and shall have essentially
23 the same features as, the program in effect on the date
24 of enactment of this Act pursuant to chapter 308 of the

1 Federal Personnel Manual of the Office of Personnel
2 Management.

3 (3) The cooperative educational program shall
4 include, among others, the following:

5 (A) The Secretary shall continue the established
6 specific programs in agriculture and natural
7 resources education at Southwestern Indian
8 Polytechnic Institute (SIPI) and at Haskell Indian
9 Junior College.

10 (B) The Secretary shall work with tribally con-
11 trolled community colleges to develop and maintain
12 specific programs in agriculture and natural re-
13 sources education, including the provision of direct
14 technical assistance to establish such programs.

15 (C) Working through tribally controlled commu-
16 nity colleges and in cooperation with land grant in-
17 stitutions, the Secretary shall implement an informa-
18 tional and educational program to provide practical
19 training and assistance in creating or maintaining a
20 successful agricultural enterprise, assessing sources
21 of commercial credit, developing markets and other
22 subjects of interest to the rural community.

23 (D) Working through tribally controlled com-
24 munity colleges and in cooperation with land grant
25 institutions, the Secretary shall implement research

1 activities to improve the basis for determining ap-
2 propriate management measures to apply to Indian
3 resource management.

4 (4) Under the cooperative agreement program under
5 paragraph (1), the Secretary shall pay all costs for tuition,
6 books, and fees of an Indian or Alaska Native student
7 who—

8 (A) is enrolled in a course of study at an edu-
9 cation institution with which the Secretary has en-
10 tered into a cooperative agreement; and

11 (B) is interested in a career with the Bureau of
12 Indian Affairs, an Indian tribe or a tribal enterprise
13 in the management of Indian rangelands, farmlands,
14 or other natural resource assets.

15 (5) Financial need shall not be a requirement to re-
16 ceive assistance under the cooperative agreement program
17 that is to be maintained under this subsection.

18 (6) A recipient of assistance under the cooperative
19 education program under this subsection shall be required
20 to enter into an obligated service agreement with the Sec-
21 retary to serve as a professional in a natural resource re-
22 lated activity with the Bureau of Indian Affairs, or other
23 Federal agency providing natural resource related services
24 to Indians or Indian tribes, an Indian tribe, or a tribal
25 natural resource related enterprise, for one year for each

1 year for which the Secretary pays the recipients edu-
2 cational costs pursuant to paragraph (3).

3 (c) SCHOLARSHIP PROGRAM.—(1) The Secretary is
4 authorized to grant scholarships to Indians and Alaska
5 Natives enrolled in accredited natural resource related
6 programs for postsecondary and graduate programs of
7 study as full-time students.

8 (2) A recipient of a scholarship under paragraph (1)
9 shall be required to enter into an obligated service agree-
10 ment with the Secretary in which the recipient agrees to
11 accept employment for one year for each year the recipient
12 received a scholarship, following completion of the recipi-
13 ent's course of study, with—

14 (A) the Bureau of Indian Affairs or other agen-
15 cy of the Federal Government providing natural re-
16 source related services to Indians or Indian tribes;

17 (B) a natural resource program conducted
18 under a contract, grant, or cooperative agreement
19 entered into under the Indian Self-Determination
20 and Education Assistance Act;

21 (C) an Indian enterprise engaged in a natural
22 resource related business; or

23 (D) an Indian tribe's natural resource related
24 program.

1 Alaska Native professional natural resource technicians
2 who are graduates of a course of postsecondary or grad-
3 uate education for employment in either the Bureau of In-
4 dian Affairs natural resource programs or, subject to the
5 approval of the tribe, in tribal natural resource programs.
6 According to such regulations as the Secretary may pre-
7 scribe, such program shall provide for the employment of
8 Indian and Alaska Native professional natural resource
9 technicians in exchange for the Secretary's assumption of
10 the employee's outstanding student loans. The period of
11 employment shall be determined by the amount of the loan
12 that is assumed.

13 (b) POSTGRADUATE INTERGOVERNMENTAL INTERN-
14 SHIPS.—For the purposes of training, skill development
15 and orientation of Indian, Alaska Native, and Federal nat-
16 ural resource management personnel, and the enhance-
17 ment of tribal and Bureau of Indian Affairs natural re-
18 source programs, the Secretary shall establish and actively
19 conduct a program for the cooperative internship of Fed-
20 eral, Indian and Alaska Native natural resource personnel.
21 Such program shall—

22 (1) for agencies within the Department of the
23 Interior—

24 (A) provide for the internship of Bureau of
25 Indian Affairs, Alaska Native, and Indian natu-

1 ral resource employees in the natural resource
2 related programs of other agencies of the De-
3 partment of the Interior; and

4 (B) provide for the internship of natural
5 resource personnel from the other Department
6 of the Interior agencies within the Bureau of
7 Indian Affairs, and, with the consent of the
8 tribe, within tribal natural resource programs;

9 (2) for agencies not within the Department of
10 the Interior, provide, pursuant to an interagency
11 agreement, internships within the Bureau of Indian
12 Affairs and, with the consent of the tribe, within a
13 tribal natural resource program of other natural re-
14 source personnel of such agencies who are above
15 their sixth year of Federal service;

16 (3) provide for the continuation of salary and
17 benefits for participating Federal employees by their
18 originating agency;

19 (4) provide for salaries and benefits of partici-
20 pating Indian and Alaska Native natural resource
21 employees by the host agency; and

22 (5) provide for a bonus pay incentive at the
23 conclusion of the internship for any participant.

24 (c) CONTINUING EDUCATION AND TRAINING.—The
25 Secretary shall maintain a program within the Trust Serv-

1 ices Division of the Bureau of Indian Affairs for the ongo-
2 ing education and training of Bureau of Indian Affairs,
3 Alaska Native, and Indian natural resource personnel.

4 Such program shall provide for—

5 (1) orientation training for Bureau of Indian
6 Affairs natural resource personnel in tribal-Federal
7 relations and responsibilities;

8 (2) continuing technical natural resource edu-
9 cation for Bureau of Indian Affairs, Alaska Native,
10 and Indian natural resource personnel; and

11 (3) development training of Indian and Alaska
12 Native personnel in natural resource based enter-
13 prises and marketing.

14 **SEC. 303. COOPERATIVE AGREEMENT BETWEEN THE DE-**
15 **PARTMENT OF THE INTERIOR AND INDIAN**
16 **TRIBES.**

17 (a) COOPERATIVE AGREEMENTS.—

18 (1) To facilitate the administration of the pro-
19 grams and activities of the Department of the Inte-
20 rior, the Secretary is authorized to negotiate and
21 enter into cooperative agreements with Indian tribes
22 to—

23 (A) engage in cooperative manpower and
24 job training;

1 (B) develop and publish cooperative envi-
2 ronmental education and natural resource plan-
3 ning materials; and

4 (C) perform land and facility improve-
5 ments, and other activities related to land and
6 natural resource management and development.

7 The Secretary may enter into such agreements when
8 the Secretary determines the interest of Indians and
9 Indian tribes will be benefited.

10 (2) In such cooperative agreements, the Sec-
11 retary is authorized to advance or reimburse funds
12 to contractors from any appropriated funds available
13 for similar kinds of work or by furnishing or sharing
14 materials, supplies, facilities or equipment without
15 regard to the provisions of section 3324, title 31,
16 United States Code, relating to the advance of pub-
17 lic moneys.

18 (b) SUPERVISION.—In any agreement authorized by
19 this section, Indian tribes and their employees may per-
20 form cooperative work under the supervision of the De-
21 partment of the Interior in emergencies or otherwise as
22 mutually agreed to, but shall not be deemed to be Federal
23 employees other than for the purposes of section 2671
24 through 2680 of title 28, United States Code, and section
25 8101 through 8193 of title 5, United States Code.

1 (c) SAVINGS CLAUSE.—Nothing in this Act shall be
2 construed to limit the authority of the Secretary to enter
3 into cooperative agreements otherwise authorized by law.

4 **SEC. 304. OBLIGATED SERVICE; BREACH OF CONTRACT.**

5 (a) OBLIGATED SERVICE.—Where an individual en-
6 ters into an agreement for obligated service in return for
7 financial assistance under any provision of this title, the
8 Secretary shall adopt such regulations as are necessary to
9 provide for the offer of employment to the recipient of
10 such assistance as required by such provision. Where an
11 offer of employment is not reasonably made, the regula-
12 tions shall provide that such service shall no longer be re-
13 quired.

14 (b) BREACH OF CONTRACT; REPAYMENT.—Where an
15 individual fails to accept a reasonable offer of employment
16 in fulfillment of such obligated service or unreasonably
17 terminates or fails to perform the duties of such employ-
18 ment, the Secretary shall require a repayment of the fi-
19 nancial assistance provided, pro rated for the amount of
20 time of obligated service that was performed, together with
21 interest on such amount which would be payable if at the
22 time the amounts were paid they were loans bearing inter-
23 est at the maximum legal prevailing rate, as determined
24 by the Treasurer of the United States.

1 **TITLE IV—AUTHORIZATION OF**
2 **APPROPRIATIONS**

3 **SEC. 401. AUTHORIZATIONS.**

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out the purposes of this Act.

6 **TITLE V—MISCELLANEOUS**

7 **SEC. 501. REGULATIONS.**

8 Except as otherwise provided by this Act, the Sec-
9 retary is directed to promulgate final regulations for the
10 implementation of this Act within eighteen months from
11 the date of enactment of this Act. All regulations promul-
12 gated pursuant to this Act shall be developed by the Sec-
13 retary with the participation of the affected Indian tribes.

14 **SEC. 502. SEVERABILITY.**

15 If any provision of this Act, or the application of any
16 provision of this Act to any person or circumstance, is held
17 invalid, the application of such provision or circumstance
18 and the remainder of this Act shall not be affected there-
19 by.

20 **SEC. 503. TRUST RESPONSIBILITY.**

21 Nothing in this Act shall be construed to diminish
22 or expand the trust responsibility of the United States to-
23 ward Indian trust lands or natural resources, or any legal
24 obligation or remedy resulting therefrom.

1 **SEC. 504. MISCELLANEOUS.**

2 (a) DISCLAIMER.—Nothing in this Act shall be con-
3 strued to supersede or limit the authority of other Federal,
4 State or local agencies otherwise authorized by law to pro-
5 vide services to Indian landowners.

6 (b) DISCLAIMER.—Nothing in this Act shall be con-
7 strued as vesting the governing body of an Indian tribe
8 with any authority which is not authorized by the constitu-
9 tion and bylaws or other organizational document of such
10 tribe.

○

S 410 IS—2

S 410 IS—3