

103^D CONGRESS
1ST SESSION

H. R. 1425

To improve the management, productivity, and use of Indian agricultural lands and resources.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1993

Mr. RICHARDSON (for himself, Mr. JOHNSON of South Dakota, and Mr. WILLIAMS) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To improve the management, productivity, and use of Indian agricultural lands and resources.

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 “American Indian Agri-
5 cultural Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 (a) The Congress finds and declares that—

8 (1) the United States and Indian tribes have a
9 government to government relationship;

1 (2) the United States has a trust responsibility
2 to protect, conserve, utilize, and enhance Indian
3 rangelands and farmlands consistent with its fidu-
4 ciary obligation and its unique relationship with In-
5 dian tribes;

6 (3) Indian agricultural lands are renewable and
7 manageable natural resources which are vital to the
8 economic, social and cultural welfare of many Indian
9 tribes and their members; and

10 (4) increased development and intensive man-
11 agement of Indian agricultural lands will produce in-
12 creased economic returns, enhance Indian self-deter-
13 mination, promote employment opportunities, and
14 improve the social and economic well-being of Indian
15 and surrounding communities.

16 **SEC. 3. PURPOSES.**

17 The purposes of this Act are to—

18 (1) meet the trust responsibility of the United
19 States and promote self-determination of Indian
20 tribes by managing Indian lands and related renew-
21 able resources in a manner consistent with identified
22 tribal goals and priorities and nationally adopted
23 multiple use and sustained yield principles;

24 (2) allow the Secretary to take part in the man-
25 agement of Indian agricultural lands, with the par-

1 participation of the lands' beneficial owners, in a man-
2 ner consistent with the Secretary's trust responsibil-
3 ity and with the objectives of the beneficial owners;

4 (3) provide for the development and manage-
5 ment of Indian agricultural lands at a level commen-
6 surate with the level of development and manage-
7 ment afforded to federally owned or controlled lands;
8 and

9 (4) increase the educational and training oppor-
10 tunities available to Indian people and communities
11 in the practical, technical and professional aspects of
12 agriculture, natural resources, and land management
13 to improve the expertise and technical abilities of In-
14 dian tribes and their members.

15 **SEC. 4. DEFINITIONS.**

16 For the purposes of this Act:

17 (1) The term "agricultural land" means land
18 that is used for the production of agricultural prod-
19 ucts, and lands occupied by industries that support
20 the agricultural community, regardless of whether a
21 formal inspection and land classification has been
22 taken. The term shall include farmlands and range-
23 lands.

24 (2) The term "agricultural product" means—

1 (A) crops grown under cultivated condi-
2 tions whether used for personal consumption,
3 subsistence, or sold for commercial benefit;

4 (B) domestic livestock, including cattle,
5 sheep, goats, horses, buffalo, swine, reindeer,
6 fowl, cultivated fish, or other animals specifi-
7 cally raised and utilized for food, fiber, or as
8 beast of burden;

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

13 (D) other marketable or traditionally used
14 materials authorized for removal from agricul-
15 tural lands.

16 (3) The term “agricultural resource” means—

17 (A) all the primary means of production,
18 including the land, soil, water, air, plants, wa-
19 tersheds, human resources, natural and physical
20 attributes and man-made developments, which
21 together comprise the agricultural community;
22 and

23 (B) all the benefits derived from agricul-
24 tural land and enterprises, including cultivated
25 and gathered food products, fibers, horticultural

1 products, dyes, cultural or religious condiments,
2 medicines, water, and other traditional values of
3 agriculture.

4 (4) The term “Bureau” means the Bureau of
5 Indian Affairs of the Department of the Interior.

6 (5) The term “farmland” means land that is
7 used for production of food, feed, fiber, forage and
8 oil seed crops, or other agricultural products, and
9 may be either dryland or irrigated.

10 (6) The term “Indian” means an individual
11 who is a member of an Indian tribe.

12 (7) The term “Indian land” means land that
13 is—

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

16 (B) owned by an Indian or Indian tribe
17 and is subject to restrictions against alienation.

18 (8) The term “Indian tribe” means any Indian
19 tribe, band, nation, pueblo, or other organized group
20 or community, including any Alaska Native village
21 or regional corporation as defined in or established
22 pursuant to the Alaska Native Claims Settlement
23 Act, which is recognized as eligible for the special
24 programs and services provided by the United States
25 to Indian tribes because of their status as Indians.

1 (9) The term “land management activity”
2 means all activities, accomplished in support of the
3 management of Indian agricultural land, including
4 but not limited to—

5 (A) preparation of inventories and manage-
6 ment plans;

7 (B) agricultural land and infrastructure
8 development, and the application of accepted
9 soil or range management techniques to im-
10 prove or restore the productive capacity of the
11 land;

12 (C) protection against agricultural pests,
13 including development, implementation, and
14 evaluation of integrated pest management pro-
15 grams to control noxious weeds, undesirable
16 vegetation, and vertebrate or invertebrate agri-
17 cultural pests;

18 (D) administration and supervision of agri-
19 cultural leasing and permitting activities, in-
20 cluding determination of proper land use and
21 proper stocking rates of livestock, appraisal, ad-
22 vertisement, negotiation, contract preparation,
23 collecting, recording, and distributing lease
24 rental receipts;

1 (E) technical assistance to individuals and
2 tribes engaged in agricultural production or ag-
3 ribusiness; and

4 (F) educational assistance in agriculture,
5 natural resources, land management and relat-
6 ed fields of study, including direct assistance to
7 tribally controlled community colleges in devel-
8 oping and implementing curriculum for voca-
9 tional, technical and professional course work.

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

12 (A) owns such Indian land, or

13 (B) is the beneficiary of the trust under
14 which such Indian land is held by the United
15 States.

16 (11) The term “rangeland” means land on
17 which the native vegetation is predominantly
18 grasses, grass-like plants, forbs, or shrubs suitable
19 for grazing or browsing use, and includes lands
20 revegetated naturally or artificially to provide a for-
21 age cover that is managed like native vegetation.
22 Rangelands include natural grasslands, savannahs,
23 shrublands, most deserts, tundra, alpine commu-
24 nities, coastal marshes, and wet meadows.

1 (12) The term “Secretary” means the Secretary
2 of the Interior.

3 **TITLE I—RANGELAND AND**
4 **FARMLAND ENHANCEMENT**

5 **SEC. 101. MANAGEMENT OF INDIAN RANGELANDS AND**
6 **FARMLANDS.**

7 (a) MANAGEMENT ACTIVITIES.—The Secretary shall
8 undertake rangeland and farmland management activities
9 on Indian lands, either directly or through contracts, coop-
10 erative agreements, or grants as provided for under the
11 Indian Self-Determination Act.

12 (b) MANAGEMENT OBJECTIVES.—Indian rangeland
13 and farmland management activities undertaken by the
14 Secretary designed to achieve the following objectives:

15 (1) Protecting, conserving, utilizing, and en-
16 hancing rangelands and farmlands so that they are
17 in a perpetually productive state through the appli-
18 cation of sound agronomic and economic principles
19 to the planning, development, inventorying, classi-
20 fication, and management of agricultural resources.

21 (2) Increasing production and expanding the di-
22 versity and availability of agricultural products for
23 subsistence, income, and employment of Indians
24 through the development of renewable agricultural
25 resources.

1 (3) Managing agricultural resources to protect
2 and enhance other associated values such as wildlife,
3 fisheries, cultural resources, recreation; to regulate
4 water runoff; and to minimize soil erosion.

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

12 (5) Developing Indian rangelands and farm-
13 lands and associated value-added industries of Indi-
14 ans and Indian tribes to promote self-sustaining
15 communities.

16 (c) INDIAN AGRICULTURAL RESOURCE MANAGE-
17 MENT PLANNING PROGRAM.—(1) The Secretary shall es-
18 tablish the Indian agricultural resource management plan-
19 ning program in order to achieve the objectives set forth
20 in subsection (b).

21 (2)(A) The Secretary shall provide for the develop-
22 ment of an agricultural resource management plan for any
23 interested Indian tribe. The plan shall be developed by the
24 tribe working cooperatively with the local personnel from
25 the Bureau. The tribe and the Bureau shall conduct a se-

1 ries of public meetings to determine and document the
2 specific tribal agricultural resource goals and objectives.

3 (B) The Secretary and the Indian tribe shall develop
4 a 10-year agricultural resource management plan to attain
5 the goals and objectives as developed pursuant to subpara-
6 graph (A). In the development of the 10-year plan, the
7 tribe shall rely on the public meeting records, existing sur-
8 veys, documents, reports and other research from Federal
9 agencies, tribal community colleges, and land grant insti-
10 tutions.

11 (3) The Secretary shall ensure that each plan con-
12 tains specific agriculture and land management programs
13 and activities which have been approved by tribal resolu-
14 tion.

15 (4) Tribal agricultural plans developed under this sec-
16 tion shall provide the direction to the Bureau and the In-
17 dian tribes in the management and administration of trib-
18 al agricultural resources and lands.

19 (5) The contract and grant provisions of the Indian
20 Self-Determination and Education Assistance Act shall be
21 applicable to the development of these management plans.

22 **SEC. 102. INDIAN PARTICIPATION IN LAND MANAGEMENT**
23 **ACTIVITIES.**

24 (a) TRIBAL RECOGNITION.—The Secretary shall con-
25 duct all land management activities on the lands of an

1 Indian tribe in accordance with goals and objectives set
2 forth by the Indian tribe and in accordance with all tribal
3 laws and ordinances except in specific instances where
4 such compliance would be a violation of trust responsibility
5 of the United States for Indian Trust Lands.

6 (b) TRIBAL LAWS.—Unless otherwise prohibited by
7 Federal law, the Secretary shall comply with adopted trib-
8 al laws and ordinances pertaining to Indian agriculture
9 lands, including laws regulating the environment, historic
10 or cultural preservation, and laws or ordinances adopted
11 by the tribal government to regulate land use or other ac-
12 tivities under tribal jurisdiction. The Secretary shall—

13 (1) provide assistance in the enforcement of
14 such tribal laws;

15 (2) provide notice of such laws to persons or en-
16 tities undertaking activities on Indian agricultural
17 lands; and

18 (3) upon request of an Indian tribe, require ap-
19 propriate Federal officials to appear in tribal fo-
20 rums.

21 (c) WAIVER OF REGULATIONS.—In any case in which
22 a regulation or administrative policy of the Department
23 of the Interior conflicts with the objectives of the manage-
24 ment plan provided for in section 101, or with a tribal
25 law, the Secretary shall waive the application of such regu-

1 lation or administrative policy unless such waiver would
2 constitute a violation of a Federal statute or judicial deci-
3 sion or would conflict with his general trust responsibility
4 under Federal law.

5 **SEC. 103. COMPARATIVE ANALYSIS OF INDIAN RANGELAND**
6 **AND FARMLAND AND MANAGEMENT PRO-**
7 **GRAMS.**

8 (a) COMPARATIVE ANALYSIS.—Within 90 days after
9 the date of enactment of this Act, the Secretary shall as-
10 semble a 12 member Task Force consisting of 1 represent-
11 ative from each of the Bureau of Indian Affairs, the Bu-
12 reau of Land Management, the United States Park Serv-
13 ice, and a national Indian agriculture organization, and
14 8 representatives of Indian tribes to develop a comparative
15 analysis of Federal investment and management efforts
16 for Indian trust and restricted lands as compared to feder-
17 ally owned lands managed by other Federal agencies or
18 instrumentalities. The Secretary shall request the Sec-
19 retary of Agriculture to make available on a
20 nonreimbursable basis appropriate personnel from the De-
21 partment of Agriculture to assist in the development of
22 such analysis.

23 (b) PURPOSES.—The purposes of the comparative
24 analysis shall be—

1 (1) in accordance with a general policy estab-
2 lished by the tribal government having jurisdiction
3 over agricultural lands as set forth by a tribal reso-
4 lution on record with the Secretary—

5 (A) shall promote the use of such agricul-
6 tural lands by Indian people, and

7 (B) notwithstanding any other provision of
8 law, may approve any agricultural lease or per-
9 mit which contains a provision authorizing the
10 renewal or renewals of such lease or permit for
11 a period of years determined by the tribal gov-
12 ernment to be necessary to meet the purposes
13 of this Act, including any such lease or permit
14 with a tenure up to 10 years, or a tenure longer
15 than 10 years when, in the opinion of the Sec-
16 retary, such lease or permit requires substantial
17 investment in and development of the lands by
18 the lessee and such longer tenure is determined
19 by the Secretary to be in the best interest of
20 the landowners;

21 (2) may offer for lease or permit on the open
22 market only those lands which are surplus to the
23 needs of Indian communities; and

24 (3) may lease or permit agricultural lands for
25 rates which reflect local economy based rental rates

1 of less than the Federal appraisal when such action
2 would be in the best interest of the landowner, and
3 in such instances, when such land has been satisfac-
4 torily advertised for lease, the highest reasonable bid
5 shall be accepted.

6 **TITLE II—EDUCATION IN** 7 **AGRICULTURE MANAGEMENT**

8 **SEC. 201. INDIAN AND ALASKA NATIVE AGRICULTURE MAN-** 9 **AGEMENT EDUCATION ASSISTANCE PRO-** 10 **GRAMS.**

11 (a) NATURAL RESOURCES INTERN PROGRAM.—(1)
12 Notwithstanding the provisions of title 5, United States
13 Code, governing appointments in the competitive service,
14 the Secretary shall establish and maintain in the Bureau
15 or other appropriate office or bureau within the Depart-
16 ment of the Interior at least 20 agricultural resources in-
17 tern positions for Indian students enrolled in an agri-
18 culture study program.

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

20 (A) “agricultural resources intern” means an
21 Indian who—

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

1 (ii) is appointed to one of the agricultural
2 resources intern positions established under
3 paragraph (1);

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

7 (C) “agriculture study program” includes, but
8 is not limited to, agricultural engineering, agricul-
9 tural economics, animal husbandry, animal science,
10 biological sciences, geographic information systems,
11 horticulture, range management, soil science, and
12 veterinary science.

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

18 (4) An agricultural resources intern shall be required
19 to enter into an obligated service agreement with the Sec-
20 retary to serve as an employee in a professional agri-
21 culture or natural resources position with the Department
22 of the Interior or other Federal agency or an Indian tribe
23 for 1 year for each year of education for which the Sec-
24 retary pays the intern’s educational costs under paragraph
25 (3) of this subsection.

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

8 (b) COOPERATIVE EDUCATION PROGRAM.—(1) The
9 Secretary shall maintain, through the Bureau, a coopera-
10 tive education program for the purpose, among other
11 things, of recruiting Indian students who are enrolled in
12 secondary schools, tribally controlled community colleges,
13 and other postsecondary or graduate schools, for employ-
14 ment in professional agricultural or natural resource relat-
15 ed positions with the Bureau or other Federal agency pro-
16 viding Indian agricultural or natural resource related serv-
17 ices.

18 (2) The cooperative educational program under para-
19 graph (1) shall be modeled after, and shall have essentially
20 the same features as, the program in effect on the date
21 of enactment of this Act pursuant to chapter 308 of the
22 Federal Personnel Manual of the Office of Personnel Man-
23 agement.

24 (3) The cooperative educational program shall in-
25 clude, among others, the following:

1 (A) The Secretary shall continue the established
2 specific programs in agriculture and natural re-
3 sources education at Southwestern Indian Poly-
4 technic Institute (SIPI) and at Haskell Indian Jun-
5 ior College.

6 (B) The Secretary shall develop and maintain a
7 cooperative program with the tribally controlled com-
8 munity colleges to coordinate course requirements,
9 texts, and provide direct technical assistance so that
10 a significant portion of the college credits in both
11 the Haskell and Southwestern Indian Polytechnic
12 Institute programs can be met through local pro-
13 gram work at participating tribally controlled com-
14 munity colleges.

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, by reimbursement
6 or otherwise, all costs for tuition, books, and fees of an
7 Indian student 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,
12 an Indian tribe or a tribal enterprise in the manage-
13 ment of Indian rangelands, farmlands, or other nat-
14 ural resource assets.

15 (5) A recipient of assistance under the cooperative
16 education program under this subsection shall be required
17 to enter into an obligated service agreement with the Sec-
18 retary to serve as a professional in an agricultural natural
19 resource related activity with the Bureau, or other Federal
20 agency providing agricultural or natural resource related
21 services to Indians or Indian tribes, or an Indian tribe for
22 1 year for each year for which the Secretary pays the re-
23 cipients educational costs pursuant to paragraph (3).

24 (c) SCHOLARSHIP PROGRAM.—(1) The Secretary is
25 authorized to grant scholarships to Indians enrolled in ac-

1 credited agriculture related programs for postsecondary
2 and graduate programs of study as full-time students.

3 (2) A recipient of a scholarship under paragraph (1)
4 shall be required to enter into an obligated service agree-
5 ment with the Secretary in which the recipient agrees to
6 accept employment for one year for each year the recipient
7 received a scholarship, following completion of the recipi-
8 ents course of study, with—

9 (A) the Bureau or other agency of the Federal
10 Government providing agriculture or natural re-
11 source related services to Indians or Indian tribes;

12 (B) an agriculture or natural resource program
13 conducted under a contract, grant, or cooperative
14 agreement entered into under the Indian Self-Deter-
15 mination and Education Assistance Act; or

16 (C) a tribal agriculture or natural resource re-
17 lated program.

18 (3) The Secretary shall not deny scholarship assist-
19 ance under this subsection solely on the basis of an appli-
20 cant's scholastic achievement if the applicant has been ad-
21 mitted to and remains in good standing in an accredited
22 post secondary or graduate institution.

23 (d) EDUCATIONAL OUTREACH.—The Secretary shall
24 conduct, through the Bureau, and in consultation with
25 other appropriate local, State and Federal agencies, and

1 in consultation and coordination with Indian tribes, an ag-
2 ricultural resource education outreach program for Indian
3 youth to explain and stimulate interest in all aspects of
4 management and careers in Indian agriculture and natu-
5 ral resources.

6 (e) ADEQUACY OF PROGRAMS.—The Secretary shall
7 administer the programs described in this section until a
8 sufficient number of Indians are trained to ensure that
9 there is an adequate number of qualified, professional In-
10 dian natural resource managers to manage the Bureau
11 natural resource programs and programs maintained by
12 or for Indian tribes.

13 **SEC. 202. POSTGRADUATION RECRUITMENT, EDUCATION**
14 **AND TRAINING PROGRAMS.**

15 (a) ASSUMPTION OF LOANS.—The Secretary shall es-
16 tablish and maintain a program to attract Indian profes-
17 sionals who are graduates of a course of postsecondary
18 or graduate education for employment in either the Bu-
19 reau agriculture or natural resource programs or, subject
20 to the approval of the tribe, in tribal agriculture or natural
21 resource programs. According to such regulations as the
22 Secretary may prescribe, such program shall provide for
23 the employment of Indian professionals in exchange for
24 the Secretary's assumption of the employee's outstanding

1 student loans. The period of employment shall be deter-
2 mined by the amount of the loan that is assumed.

3 (b) POSTGRADUATE INTERGOVERNMENTAL INTERN-
4 SHIPS.—For the purposes of training, skill development
5 and orientation of Indian and Federal natural resource
6 management personnel, and the enhancement of tribal and
7 Bureau natural resource programs, the Secretary shall es-
8 tablish and actively conduct a program for the cooperative
9 internship of Federal and Indian natural resource person-
10 nel. Such program shall—

11 (1) for agencies within the Department of the
12 Interior—

13 (A) provide for the internship of Bureau
14 and Indian natural resource employees in the
15 natural resource related programs of other
16 agencies of the Department of the Interior, and

17 (B) provide for the internship of natural
18 resource personnel from the other Department
19 of the Interior agencies within the Bureau, and,
20 with the consent of the tribe, within tribal natu-
21 ral resource programs;

22 (2) for agencies not within the Department of
23 the Interior, provide, pursuant to an interagency
24 agreement, internships within the Bureau and, with
25 the consent of the tribe, within a tribal natural re-

1 source program of other natural resource personnel
2 of such agencies who are above their sixth year of
3 Federal service;

4 (3) provide for the continuation of salary and
5 benefits for participating Federal employees by their
6 originating agency;

7 (4) provide for salaries and benefits of partici-
8 pating Indian natural resource employees by the
9 host agency; and

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

12 (c) CONTINUING EDUCATION AND TRAINING.—The
13 Secretary shall maintain a program within the Trust Serv-
14 ices Division of the Bureau and Indian natural resource
15 personnel which shall provide for—

16 (1) orientation training for Bureau natural re-
17 source personnel in tribal-Federal relations and re-
18 sponsibilities;

19 (2) continuing technical natural resource edu-
20 cation for Bureau and Indian natural resource per-
21 sonnel; and

22 (3) development training of Indian natural re-
23 source personnel in natural resource based enter-
24 prises and marketing.

1 **SEC. 203. COOPERATIVE AGREEMENT BETWEEN THE DE-**
2 **PARTMENT OF THE INTERIOR AND INDIAN**
3 **TRIBES.**

4 (a) COOPERATIVE AGREEMENTS.—

5 (1)(A) To facilitate the administration of the
6 programs and activities of the Department of the In-
7 terior, the Secretary is authorized to negotiate and
8 enter into cooperative agreements with Indian tribes
9 to—

10 (i) engage in cooperative manpower and
11 job training,

12 (ii) develop and publish cooperative envi-
13 ronmental education and natural resource plan-
14 ning materials, and

15 (iii) perform land and facility improve-
16 ments, and other activities related to land and
17 natural resource management and development.

18 (B) The Secretary may enter into agreements
19 when the Secretary determines the interest of Indi-
20 ans and Indian tribes will be benefited.

21 (2) In cooperative agreements entered into
22 under subparagraph (A), the Secretary is authorized
23 to advance or reimburse funds to contractors from
24 any appropriated funds available for similar kinds of
25 work or by furnishing or sharing materials, supplies,
26 facilities or equipment without regard to the provi-

1 sions of section 3324 of title 31, United States
2 Code, relating to the advance of public moneys.

3 (b) SUPERVISION.—In any agreement authorized by
4 this section, Indian tribes and their employees may per-
5 form cooperative work under the supervision of the De-
6 partment of the Interior in emergencies or otherwise as
7 mutually agreed to, but shall not be deemed to be Federal
8 employees other than for the purposes of sections 2671
9 through 2680 of title 28, United States Code, and sections
10 8101 through 8193 of title 5, United States Code.

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

14 **SEC. 204. OBLIGATED SERVICE; BREACH OF CONTRACT.**

15 (a) OBLIGATED SERVICE.—Where an individual en-
16 ters into an agreement for obligated service in return for
17 financial assistance under any provision of this title, the
18 Secretary shall adopt such regulations as are necessary to
19 provide for the offer of employment to the recipient of
20 such assistance as required by such provision. Where an
21 offer of employment is not reasonably made, the regula-
22 tions shall provide that such service shall no longer be re-
23 quired.

24 (b) BREACH OF CONTRACT; REPAYMENT.—Where an
25 individual fails to accept a reasonable offer of employment

1 in fulfillment of such obligated service or unreasonably
2 terminates or fails to perform the duties of such employ-
3 ment, the Secretary shall require a repayment of the fi-
4 nancial assistance provided, prorated for the amount of
5 time of obligated service that was performed, together with
6 interest on such amount which would be payable if at the
7 time the amounts were paid they were loans bearing inter-
8 est at the maximum legal prevailing rate, as determined
9 by the Treasurer of the United States.

10 **TITLE III—GENERAL**
11 **PROVISIONS**

12 **SEC. 301. REGULATIONS.**

13 Except as otherwise provided by this Act, the Sec-
14 retary is directed to promulgate final regulations for the
15 implementation within 18 months from the date of enact-
16 ment of this Act. All regulations promulgated pursuant
17 to this Act shall be developed by the Secretary with the
18 participation of the affected Indian tribes.

19 **SEC. 302. TRUST RESPONSIBILITY.**

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

1 **SEC. 303. SEVERABILITY.**

2 If any provision of this Act, or the application of any
3 provision of this Act to any person or circumstance, is held
4 invalid, the application of such provision or circumstance
5 and the remainder of this Act shall not be affected there-
6 by.

7 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

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

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