

Calendar No. 298

103D CONGRESS
1ST SESSION

H. R. 1425

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

NOVEMBER 18 (legislative day, NOVEMBER 2), 1993
Received; read twice and referred to the Committee on
Indian Affairs

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IN THE SENATE OF THE UNITED STATES

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AN ACT

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 Resource Management Act”.

6 **SEC. 2. FINDINGS.**

7 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 manage Indian agri-
3 cultural lands consistent with its fiduciary obligation
4 and its unique relationship with Indian tribes;

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

9 (4) development and management of Indian ag-
10 ricultural lands in accordance with integrated re-
11 source management plans will ensure proper man-
12 agement of Indian agricultural lands and will
13 produce increased economic returns, enhance Indian
14 self-determination, promote employment opportuni-
15 ties, and improve the social and economic well-being
16 of Indian and surrounding communities.

17 **SEC. 3. PURPOSES.**

18 The purposes of this Act are to—

19 (1) carry out the trust responsibility of the
20 United States and promote the self-determination of
21 Indian tribes by providing for the management of
22 Indian agricultural lands and related renewable re-
23 sources in a manner consistent with identified tribal
24 goals and priorities for conservation, multiple use,
25 and sustained yield;

1 (2) authorize the Secretary to take part in the
2 management of Indian agricultural lands, with the
3 participation of the beneficial owners of the land, in
4 a manner consistent with the trust responsibility of
5 the Secretary and with the objectives of the bene-
6 ficial owners;

7 (3) provide for the development and manage-
8 ment of Indian agricultural lands; 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
12 of agriculture and land management to improve the
13 expertise and technical abilities of Indian tribes and
14 their members.

15 **SEC. 4. DEFINITIONS.**

16 For the purposes of this Act:

17 (1) The term “Indian agricultural lands”
18 means Indian land, including farmland and range-
19 land, but excluding Indian forest land, that is used
20 for the production of agricultural products, and In-
21 dian lands occupied by industries that support the
22 agricultural community, regardless of whether a for-
23 mal inspection and land classification has been con-
24 ducted.

25 (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, or other animal specifically raised and uti-
7 lized for food or fiber or as beast of burden;

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

12 (D) other marketable or traditionally used
13 materials authorized for removal from Indian
14 agricultural lands.

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

16 (A) all the primary means of production,
17 including the land, soil, water, air, plant com-
18 munities, watersheds, human resources, natural
19 and physical attributes, and man-made develop-
20 ments, which together comprise the agricultural
21 community; and

22 (B) all the benefits derived from Indian
23 agricultural lands and enterprises, including
24 cultivated and gathered food products, fibers,
25 horticultural products, dyes, cultural or reli-

1 gious condiments, medicines, water, aesthetic,
2 and other traditional values of agriculture.

3 (4) The term “agricultural resource manage-
4 ment plan” means a plan developed under section
5 101(b).

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

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

13 (7) The term “Indian forest land” means forest
14 land as defined in section 304(3) of the National In-
15 dian Forest Resources Management Act (25 U.S.C.
16 3103(3)).

17 (8) The term “Indian” means an individual
18 who is a member of an Indian tribe.

19 (9) The term “Indian land” means land that
20 is—

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

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

1 (10) The term “Indian tribe” means any Indian
2 tribe, band, nation, pueblo, or other organized group
3 or community, including any Alaska Native village
4 or regional corporation as defined in or established
5 pursuant to the Alaska Native Claims Settlement
6 Act (43 U.S.C. 1601 et seq.), which is recognized as
7 eligible for the special programs and services pro-
8 vided by the United States to Indians because of
9 their status as Indians.

10 (11) The term “integrated resource manage-
11 ment plan” means the plan developed pursuant to
12 the process used by tribal governments to assess
13 available resources and to provide identified holistic
14 management objectives that include quality of life,
15 production goals and landscape descriptions of all
16 designated resources that may include (but not be
17 limited to) water, fish, wildlife, forestry, agriculture,
18 minerals, and recreation, as well as community and
19 municipal resources, and may include any previously
20 adopted tribal codes and plans related to such
21 resources.

22 (12) The term “land management activity”
23 means all activities, accomplished in support of the
24 management of Indian agricultural lands, including
25 (but not limited to)—

1 (A) preparation of soil and range inven-
2 tories, farmland and rangeland management
3 plans, and monitoring programs to evaluate
4 management plans;

5 (B) agricultural lands and on-farm irriga-
6 tion delivery system development, and the appli-
7 cation of state of the art, soil and range con-
8 servation management techniques to restore
9 and ensure the productive potential of Indian
10 lands;

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

17 (D) administration and supervision of agri-
18 cultural leasing and permitting activities, in-
19 cluding determination of proper land use, carry-
20 ing capacities, and proper stocking rates of live-
21 stock, appraisal, advertisement, negotiation,
22 contract preparation, collecting, recording, and
23 distributing lease rental receipts;

1 (E) technical assistance to individuals and
2 tribes engaged in agricultural production or
3 agribusiness; 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 (13) The term “Indian landowner” means the
11 Indian 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 (14) The term “rangeland” means Indian land,
17 excluding Indian forest land, on which the native
18 vegetation is predominantly grasses, grass-like
19 plants, forbs, half-shrubs or shrubs suitable for graz-
20 ing or browsing use, and includes lands revegetated
21 naturally or artificially to provide a forage cover that
22 is managed as native vegetation.

23 (15) The term “Secretary” means the Secretary
24 of the Interior.

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

3 **SEC. 101. MANAGEMENT OF INDIAN RANGELANDS AND**
4 **FARMLANDS.**

5 (a) **MANAGEMENT OBJECTIVES.**—Consistent with
6 the provisions of the Indian Self-Determination and Edu-
7 cation Assistance Act, the Secretary shall provide for the
8 management of Indian agricultural lands to achieve the
9 following objectives:

10 (1) To protect, conserve, utilize, and maintain
11 the highest productive potential on Indian agricul-
12 tural lands through the application of sound con-
13 servation practices and techniques. These practices
14 and techniques shall be applied to planning, develop-
15 ment, inventorying, classification, and management
16 of agricultural resources.

17 (2) To increase production and expand the di-
18 versity and availability of agricultural products for
19 subsistence, income, and employment of Indians and
20 Alaska Natives, through the development of agricul-
21 tural resources on Indian lands.

22 (3) To manage agricultural resources consistent
23 with integrated resource management plans in order
24 to protect and maintain other values such as wild-

1 life, fisheries, cultural resources, recreation and to
2 regulate water runoff and minimize soil erosion.

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

10 (5) To develop Indian agricultural lands and as-
11 sociated value-added industries of Indians and In-
12 dian tribes to promote self-sustaining communities.

13 (6) To assist trust and restricted Indian land-
14 owners in leasing their agricultural lands for a rea-
15 sonable annual return, consistent with prudent man-
16 agement and conservation practices, and community
17 goals as expressed in the tribal management plans
18 and appropriate tribal ordinances.

19 (b) INDIAN AGRICULTURAL RESOURCE MANAGE-
20 MENT PLANNING PROGRAM.—(1) To meet the manage-
21 ment objectives of this section, a 10-year Indian agri-
22 culture resource management and monitoring plan shall
23 be developed and implemented as follows:

24 (A) Pursuant to a self-determination contract
25 or self-governance compact, an Indian tribe may de-

1 develop or implement an Indian agriculture resource
2 plan. Subject to the provisions of subparagraph (C),
3 the tribe shall have broad discretion in designing
4 and carrying out the planning process.

5 (B) If a tribe chooses not to contract the devel-
6 opment or implementation of the plan, the Secretary
7 shall develop or implement, as appropriate, the plan
8 in close consultation with the affected tribe.

9 (C) Whether developed directly by the tribe or
10 by the Secretary, the plan shall—

11 (i) determine available agriculture re-
12 sources;

13 (ii) identify specific tribal agricultural re-
14 source goals and objectives;

15 (iii) establish management objectives for
16 the resources;

17 (iv) define critical values of the Indian
18 tribe and its members and provide identified ho-
19 listic management objectives;

20 (v) identify actions to be taken to reach es-
21 tablished objectives;

22 (vi) be developed through public meetings;

23 (vii) use the public meeting records, exist-
24 ing survey documents, reports, and other re-

1 search from Federal agencies, tribal community
2 colleges, and lands grant universities; and
3 (viii) be completed within three years of
4 the initiation of activity to establish the plan.

5 (2) Indian agriculture resource management plans
6 developed and approved under this section shall govern the
7 management and administration of Indian agricultural re-
8 sources and Indian agricultural lands by the Bureau and
9 the Indian tribal government.

10 **SEC. 102. INDIAN PARTICIPATION IN LAND MANAGEMENT**
11 **ACTIVITIES.**

12 (a) TRIBAL RECOGNITION.—The Secretary shall con-
13 duct all land management activities on Indian agricultural
14 land in accordance with goals and objectives set forth in
15 the approved agricultural resource management plan, in
16 an integrated resource management plan, and in accord-
17 ance with all tribal laws and ordinances, except in specific
18 instances where such compliance would be contrary to the
19 trust responsibility of the United States.

20 (b) TRIBAL LAWS.—Unless otherwise prohibited by
21 Federal law, the Secretary shall comply with tribal laws
22 and ordinances pertaining to Indian agricultural lands, in-
23 cluding laws regulating the environment and historic or
24 cultural preservation, and laws or ordinances adopted by

1 the tribal government to regulate land use or other activi-
2 ties under tribal jurisdiction. The Secretary shall—

3 (1) provide assistance in the enforcement of
4 such tribal laws;

5 (2) provide notice of such laws to persons or en-
6 tities undertaking activities on Indian agricultural
7 lands; and

8 (3) upon the request of an Indian tribe, require
9 appropriate Federal officials to appear in tribal
10 forums.

11 (c) WAIVER OF REGULATIONS.—In any case in which
12 a regulation or administrative policy of the Department
13 of the Interior conflicts with the objectives of the agricul-
14 tural resource management plan provided for in section
15 101, or with a tribal law, the Secretary may waive the
16 application of such regulation or administrative policy un-
17 less such waiver would constitute a violation of a Federal
18 statute or judicial decision or would conflict with his gen-
19 eral trust responsibility under Federal law.

20 (d) SOVEREIGN IMMUNITY.—This section does not
21 constitute a waiver of the sovereign immunity of the
22 United States, nor does it authorize tribal justice systems
23 to review actions of the Secretary.

1 **SEC. 103. INDIAN AGRICULTURAL LANDS TRESPASS.**

2 (a) CIVIL PENALTIES; REGULATIONS.—Not later
3 than one year after the date of enactment of this Act, the
4 Secretary shall issue regulations that—

5 (1) establish civil penalties for the commission
6 of trespass on Indian agricultural lands, which pro-
7 vide for—

8 (A) collection of the value of the products
9 illegally used or removed plus a penalty of dou-
10 ble their values;

11 (B) collection of the costs associated with
12 damage to the Indian agricultural lands caused
13 by the act of trespass; and

14 (C) collection of the costs associated with
15 enforcement of the regulations, including field
16 examination and survey, damage appraisal, in-
17 vestigation assistance and reports, witness ex-
18 penses, demand letters, court costs, and attor-
19 ney fees;

20 (2) designate responsibility within the Depart-
21 ment of the Interior for the detection and investiga-
22 tion of Indian agricultural lands trespass; and

23 (3) set forth responsibilities and procedures for
24 the assessment and collection of civil penalties.

25 (b) TREATMENT OF PROCEEDS.—The proceeds of
26 civil penalties collected under this section shall be treated

1 as proceeds from the sale of agricultural products from
2 the Indian agricultural lands upon which such trespass
3 occurred.

4 (c) CONCURRENT JURISDICTION.—Indian tribes
5 which adopt the regulations promulgated by the Secretary
6 pursuant to subsection (a) shall have concurrent jurisdic-
7 tion with the United States to enforce the provisions of
8 this section and the regulations promulgated thereunder.
9 The Bureau and other agencies of the Federal Govern-
10 ment shall, at the request of the tribal government, defer
11 to tribal prosecutions of Indian agricultural land trespass
12 cases. Tribal court judgments regarding agricultural tres-
13 pass shall be entitled to full faith and credit in Federal
14 and State courts to the same extent as a Federal court
15 judgment obtained under this section. Nothing in this Act
16 shall be construed to diminish the sovereign authority of
17 Indian tribes with respect to trespass.

18 **SEC. 104. ASSESSMENT OF INDIAN AGRICULTURAL MAN-**
19 **AGEMENT PROGRAMS.**

20 (a) ASSESSMENT.—Within six months after the date
21 of enactment of this Act, the Secretary, in consultation
22 with affected Indian tribes, shall enter into a contract with
23 a non-Federal entity knowledgeable in agricultural man-
24 agement on Federal and private lands to conduct an inde-
25 pendent assessment of Indian agricultural land manage-

1 ment and practices. Such assessment shall be national in
2 scope and shall include a comparative analysis of Federal
3 investment and management efforts for Indian trust and
4 restricted agricultural lands as compared to federally-
5 owned lands managed by other Federal agencies or instru-
6 mentalities and as compared to federally-served private
7 lands.

8 (b) PURPOSES.—The purposes of the assessment
9 shall be—

10 (1) to establish a comprehensive assessment of
11 the improvement, funding, and development needs
12 for all Indian agricultural lands;

13 (2) to establish a comparison of management
14 and funding provided to comparable lands owned or
15 managed by the Federal Government through Fed-
16 eral agencies other than the Bureau; and

17 (3) to identify any obstacles to Indian access to
18 Federal or private programs relating to agriculture
19 or related rural development programs generally
20 available to the public at large.

21 (c) IMPLEMENTATION.—Within one year after the
22 date of enactment of this Act, the Secretary shall provide
23 the Subcommittee on Native American Affairs of the Com-
24 mittee on Natural Resources of the House of Representa-
25 tives and the Committee on Indian Affairs of the Senate

1 with a status report on the development of the compara-
2 tive analysis required by this section and shall file a final
3 report with the Congress not later than 18 months after
4 the date of enactment of this Act.

5 **SEC. 105. LEASING OF INDIAN AGRICULTURAL LANDS.**

6 (a) **AUTHORITY OF THE SECRETARY.**—The Secretary
7 is authorized to—

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

17 (2) lease or permit agricultural lands to the
18 highest responsible bidder at rates less than the
19 Federal appraisal after satisfactorily advertising
20 such lands for lease, when, in the opinion of the Sec-
21 retary, such action would be in the best interest of
22 the Indian landowner.

23 (b) **AUTHORITY OF THE TRIBE.**—When authorized
24 by an appropriate tribal resolution establishing a general

1 policy for leasing of Indian agricultural lands, the Sec-
2 retary—

3 (1) shall provide a preference to Indian opera-
4 tors in the issuance and renewal of agricultural
5 leases and permits so long as the lessor receives fair
6 market value for his property;

7 (2) shall waive or modify the requirement that
8 a lessee post a surety or performance bond on agri-
9 cultural leases and permits issued by the Secretary;

10 (3) shall provide for posting of other collateral
11 or security in lieu of surety or other bonds; and

12 (4) when such tribal resolution sets forth a trib-
13 al definition of what constitutes “highly fractionated
14 undivided heirship lands” and adopts an alternative
15 plan for providing notice to owners, may waive or
16 modify any general notice requirement of Federal
17 law and proceed to negotiate and lease or permit
18 such highly fractionated undivided interest heirship
19 lands in conformity with tribal law in order to pre-
20 vent waste, reduce idle land acreage, and ensure in-
21 come.

22 (c) RIGHTS OF INDIVIDUAL LANDOWNERS.—(1)
23 Nothing in this section shall be construed as limiting or
24 altering the authority or right of an individual allottee in
25 the legal or beneficial use of his or her own land or to

1 enter into an agricultural lease of the surface interest of
2 his or her allotment under any other provision of law.

3 (2)(A) The owners of a majority interest in any trust
4 or restricted land are authorized to enter into an agricul-
5 tural lease of the surface interest of a trust or restricted
6 allotment, and such lease shall be binding upon the owners
7 of the minority interests in such land if the terms of the
8 lease provide such minority interests with not less than
9 fair market value for such land.

10 (B) For the purposes of subparagraph (A), a major-
11 ity interest in trust or restricted land is an interest greater
12 than 50 percent of the legal or beneficial title.

13 (3) The provisions of subsection (b) shall not apply
14 to a parcel of trust or restricted land if the owners of at
15 least 50 percent of the legal or beneficial interest in such
16 land file with the Secretary a written objection to the ap-
17 plication of all or any part of such tribal rules to the leas-
18 ing of such parcel of land.

19 **TITLE II—EDUCATION IN** 20 **AGRICULTURE MANAGEMENT**

21 **SEC. 201. INDIAN AND ALASKA NATIVE AGRICULTURE MAN-** 22 **AGEMENT EDUCATION ASSISTANCE PRO-** 23 **GRAMS.**

24 (a) AGRICULTURAL RESOURCES INTERN PRO-
25 GRAM.—(1) Notwithstanding the provisions of title 5,

1 United States Code, governing appointments in the com-
2 petitive service, the Secretary shall establish and maintain
3 in the Bureau or other appropriate office or bureau within
4 the Department of the Interior at least 20 agricultural re-
5 sources intern positions for Indian and Alaska Native stu-
6 dents enrolled in an agriculture study program. Such posi-
7 tions shall be in addition to the forester intern positions
8 authorized in section 314(a) of the National Indian Forest
9 Resources Management Act (25 U.S.C. 3113(a)).

10 (2) For purposes of this subsection—

11 (A) the term “agricultural resources intern”
12 means an Indian who—

13 (i) is attending an approved postsecondary
14 school in a full-time agriculture or related field,
15 and

16 (ii) is appointed to one of the agricultural
17 resources intern positions established under
18 paragraph (1);

19 (B) the term “agricultural resources intern po-
20 sitions” means positions established pursuant to
21 paragraph (1) for agricultural resources interns; and

22 (C) the term “agriculture study program” in-
23 cludes (but is not limited to) agricultural engineer-
24 ing, agricultural economics, animal husbandry, ani-
25 mal science, biological sciences, geographic informa-

1 tion systems, horticulture, range management, soil
2 science, and veterinary science.

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

8 (4) An agricultural resources intern shall be required
9 to enter into an obligated service agreement with the Sec-
10 retary to serve as an employee in a professional agri-
11 culture or natural resources position with the Department
12 of the Interior or other Federal agency or an Indian tribe
13 for one year for each year of education for which the Sec-
14 retary pays the intern's educational costs under paragraph
15 (3).

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

23 (b) COOPERATIVE EDUCATION PROGRAM.—(1) The
24 Secretary shall maintain, through the Bureau, a coopera-
25 tive education program for the purpose, among other

1 things, of recruiting Indian and Alaska Native students
2 who are enrolled in secondary schools, tribally controlled
3 community colleges, and other postsecondary or graduate
4 schools, for employment in professional agricultural or re-
5 lated positions with the Bureau or other Federal agency
6 providing Indian agricultural or related services.

7 (2) The cooperative educational program under para-
8 graph (1) shall be modeled after, and shall have essentially
9 the same features as, the program in effect on the date
10 of enactment of this Act pursuant to chapter 308 of the
11 Federal Personnel Manual of the Office of Personnel Man-
12 agement.

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

15 (A) The Secretary shall continue the established
16 specific programs in agriculture and natural re-
17 sources education at Southwestern Indian Poly-
18 technic Institute (SIPI) and at Haskell Indian Jun-
19 ior College.

20 (B) The Secretary shall develop and maintain a
21 cooperative program with the tribally controlled com-
22 munity colleges to coordinate course requirements,
23 texts, and provide direct technical assistance so that
24 a significant portion of the college credits in both
25 the Haskell and Southwestern Indian Polytechnic

1 Institute programs can be met through local pro-
2 gram work at participating tribally controlled com-
3 munity colleges.

4 (C) Working through tribally controlled commu-
5 nity colleges and in cooperation with land grant in-
6 stitutions, the Secretary shall implement an informa-
7 tional and educational program to provide practical
8 training and assistance in creating or maintaining a
9 successful agricultural enterprise, assessing sources
10 of commercial credit, developing markets, and other
11 subjects of importance in agricultural pursuits.

12 (D) Working through tribally controlled com-
13 munity colleges and in cooperation with land grant
14 institutions, the Secretary shall implement research
15 activities to improve the basis for determining ap-
16 propriate management measures to apply to Indian
17 agricultural management.

18 (4) Under the cooperative agreement program under
19 paragraph (1), the Secretary shall pay, by reimbursement
20 or otherwise, all costs for tuition, books, and fees of an
21 Indian student who—

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

1 (B) is interested in a career with the Bureau,
2 an Indian tribe or a tribal enterprise in the manage-
3 ment of Indian rangelands, farmlands, or other nat-
4 ural resource assets.

5 (5) A recipient of assistance under the cooperative
6 education program under this subsection shall be required
7 to enter into an obligated service agreement with the Sec-
8 retary to serve as a professional in an agricultural re-
9 source related activity with the Bureau, or other Federal
10 agency providing agricultural or related services to Indians
11 or Indian tribes, or an Indian tribe for one year for each
12 year for which the Secretary pays the recipients edu-
13 cational costs pursuant to paragraph (3).

14 (c) SCHOLARSHIP PROGRAM.—(1) The Secretary
15 may grant scholarships to Indians enrolled in accredited
16 agriculture related programs for postsecondary and grad-
17 uate programs of study as full-time students.

18 (2) A recipient of a scholarship under paragraph (1)
19 shall be required to enter into an obligated service agree-
20 ment with the Secretary in which the recipient agrees to
21 accept employment for one year for each year the recipient
22 received a scholarship, following completion of the recipi-
23 ents course of study, with—

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

4 (B) an agriculture or related program con-
5 ducted under a contract, grant, or cooperative agree-
6 ment entered into under the Indian Self-Determina-
7 tion and Education Assistance Act; or

8 (C) a tribal agriculture or related program.

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

14 (d) EDUCATIONAL OUTREACH.—The Secretary shall
15 conduct, through the Bureau, and in consultation with
16 other appropriate local, State and Federal agencies, and
17 in consultation and coordination with Indian tribes, an ag-
18 ricultural resource education outreach program for Indian
19 youth to explain and stimulate interest in all aspects of
20 management and careers in Indian agriculture and natu-
21 ral resources.

22 (e) ADEQUACY OF PROGRAMS.—The Secretary shall
23 administer the programs described in this section until a
24 sufficient number of Indians are trained to ensure that
25 there is an adequate number of qualified, professional In-

1 dian agricultural resource managers to manage the Bu-
2 reau agricultural resource programs and programs main-
3 tained by or for Indian tribes.

4 **SEC. 202. POSTGRADUATION RECRUITMENT, EDUCATION**
5 **AND TRAINING PROGRAMS.**

6 (a) ASSUMPTION OF LOANS.—The Secretary shall es-
7 tablish and maintain a program to attract Indian profes-
8 sionals who are graduates of a course of postsecondary
9 or graduate education for employment in either the Bu-
10 reau agriculture or related programs or, subject to the ap-
11 proval of the tribe, in tribal agriculture or related pro-
12 grams. According to such regulations as the Secretary
13 may prescribe, such program shall provide for the employ-
14 ment of Indian professionals in exchange for the assump-
15 tion by the Secretary of the outstanding student loans of
16 the employee. The period of employment shall be deter-
17 mined by the amount of the loan that is assumed.

18 (b) POSTGRADUATE INTERGOVERNMENTAL INTERN-
19 SHIPS.—For the purposes of training, skill development
20 and orientation of Indian and Federal agricultural man-
21 agement personnel, and the enhancement of tribal and Bu-
22 reau agricultural resource programs, the Secretary shall
23 establish and actively conduct a program for the coopera-
24 tive internship of Federal and Indian agricultural resource
25 personnel. Such program shall—

1 (1) for agencies within the Department of the
2 Interior—

3 (A) provide for the internship of Bureau
4 and Indian agricultural resource employees in
5 the agricultural resource related programs of
6 other agencies of the Department of the Inte-
7 rior, and

8 (B) provide for the internship of agricul-
9 tural resource personnel from the other Depart-
10 ment of the Interior agencies within the Bu-
11 reau, and, with the consent of the tribe, within
12 tribal agricultural resource programs;

13 (2) for agencies not within the Department of
14 the Interior, provide, pursuant to an interagency
15 agreement, internships within the Bureau and, with
16 the consent of the tribe, within a tribal agricultural
17 resource program of other agricultural resource per-
18 sonnel of such agencies who are above their sixth
19 year of Federal service;

20 (3) provide for the continuation of salary and
21 benefits for participating Federal employees by their
22 originating agency;

23 (4) provide for salaries and benefits of partici-
24 pating Indian agricultural resource employees by the
25 host agency; and

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

3 (c) CONTINUING EDUCATION AND TRAINING.—The
4 Secretary shall maintain a program within the Trust Serv-
5 ices Division of the Bureau for Indian agricultural re-
6 source personnel which shall provide for—

7 (1) orientation training for Bureau agricultural
8 resource personnel in tribal-Federal relations and
9 responsibilities;

10 (2) continuing technical agricultural resource
11 education for Bureau and Indian agricultural re-
12 source personnel; and

13 (3) development training of Indian agricultural
14 resource personnel in agricultural resource based en-
15 terprises and marketing.

16 **SEC. 203. COOPERATIVE AGREEMENT BETWEEN THE DE-**
17 **PARTMENT OF THE INTERIOR AND INDIAN**
18 **TRIBES.**

19 (a) COOPERATIVE AGREEMENTS.—

20 (1)(A) To facilitate the administration of the
21 programs and activities of the Department of the In-
22 terior, the Secretary may negotiate and enter into
23 cooperative agreements with Indian tribes to—

24 (i) engage in cooperative manpower and
25 job training,

1 (ii) develop and publish cooperative agri-
2 cultural education and resource planning mate-
3 rials, and

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

7 (B) The Secretary may enter into these agree-
8 ments when the Secretary determines the interest of
9 Indians and Indian tribes will be benefited.

10 (2) In cooperative agreements entered into
11 under paragraph (1), the Secretary may advance or
12 reimburse funds to contractors from any appro-
13 priated funds available for similar kinds of work or
14 by furnishing or sharing materials, supplies, facili-
15 ties, or equipment without regard to the provisions
16 of section 3324 of title 31, United States Code, re-
17 lating to the advance of public 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 sections 2671
24 through 2680 of title 28, United States Code, and sections
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. 204. 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
13 required.

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, prorated 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 Secretary of the Treasury.

TITLE III—GENERAL PROVISIONS

3 SEC. 301. REGULATIONS.

4 Except as otherwise provided by this Act, the Sec-
5 retary shall promulgate final regulations for the imple-
6 mentation of this Act within 24 months after the date of
7 enactment of this Act. All regulations promulgated pursu-
8 ant to this Act shall be developed by the Secretary with
9 the participation of the affected Indian tribes.

10 SEC. 302. TRUST RESPONSIBILITY.

11 Nothing in this Act shall be construed to diminish
12 or expand the trust responsibility of the United States to-
13 ward Indian trust lands or natural resources, or any legal
14 obligation or remedy resulting therefrom.

15 SEC. 303. SEVERABILITY.

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

21 SEC. 304. FEDERAL, STATE AND LOCAL AUTHORITY.

22 (a) DISCLAIMER.—Nothing in this Act shall be con-
23 strued to supercede or limit the authority of Federal,
24 State or local agencies otherwise authorized by law to pro-
25 vide services to Indians.

1 (b) DUPLICATION OF SERVICES.—The Secretary
 2 shall work with all appropriate Federal departments and
 3 agencies to avoid duplication of programs and services cur-
 4 rently available to Indian tribes and landowners from
 5 other sources.

6 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) GENERAL AUTHORIZATION.—There are author-
 8 ized to be appropriated such sums as may be necessary
 9 to carry out the purposes of this Act.

10 (b) FUNDING SOURCE.—The activities required
 11 under title II may only be funded from appropriations
 12 made pursuant to this Act. To the greatest extent possible,
 13 such activities shall be coordinated with activities funded
 14 from other sources.

Passed the House of Representatives November 16,
 1993.

Attest: DONNALD K. ANDERSON,
 Clerk.

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