

105TH CONGRESS  
2D SESSION

# H. R. 4087

To amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to emphasize the need for job creation on Indian reservations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1998

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to provide for the transfer of services and personnel from the Bureau of Indian Affairs to the Office of Self-Governance, to emphasize the need for job creation on Indian reservations, 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.**

4       This Act may be cited as the “Indian Employment,  
5       Training and Related Services Demonstration Act Amend-  
6       ments of 1998”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) Indian tribes and Alaska Native organiza-  
4 tions that have participated in carrying out pro-  
5 grams under the Indian Employment, Training and  
6 Related Services Demonstration Act of 1992 (25  
7 U.S.C. 3401 et seq.) have—

8 (A) improved the effectiveness of services  
9 provided by those tribes and organizations;

10 (B) enabled more American Indians to se-  
11 cure employment;

12 (C) assisted welfare recipients who are  
13 American Indians; and

14 (D) otherwise demonstrated the value of  
15 integrating education, employment, and train-  
16 ing services;

17 (2) the initiative under the Indian Employment,  
18 Training and Related Services Demonstration Act of  
19 1992 should be strengthened by ensuring that all  
20 programs that emphasize the value of work may be  
21 included within a demonstration program of an In-  
22 dian tribe or Alaska Native organization;

23 (3) the initiative under the Indian Employment,  
24 Training and Related Services Demonstration Act of  
25 1992 shares goals and innovative approaches of the

1 Indian Self-Determination and Education Assistance  
2 Act (25 U.S.C. 450 et seq.);

3 (4) the programs referred to in paragraph (2)  
4 should be implemented by the Office of Self-Govern-  
5 ance of the Department of the Interior, the unit  
6 within the Department of the Interior that is re-  
7 sponsible for carrying out self-governance programs  
8 under the Indian Self-Determination and Education  
9 Assistance Act; and

10 (5) the initiative under the Indian Employment,  
11 Training and Related Services Demonstration Act of  
12 1992 should have the benefit of the support and at-  
13 tention of the officials of—

14 (A) the Department of the Interior; and

15 (B) other Federal agencies with policy-  
16 making authority with respect to programs that  
17 emphasize the value of work for American Indi-  
18 ans and Alaska Natives.

19 **SEC. 3. AMENDMENTS TO THE INDIAN EMPLOYMENT,**  
20 **TRAINING AND RELATED SERVICES DEM-**  
21 **ONSTRATION ACT OF 1992.**

22 (a) DEFINITIONS.—Section 3 of the Indian Employ-  
23 ment, Training and Related Services Demonstration Act  
24 of 1992 (25 U.S.C. 3402) is amended—

1           (1) by redesignating paragraphs (1) through  
2           (3) as paragraphs (2) through (4), respectively; and

3           (2) by inserting before paragraph (2), as so re-  
4           designated by paragraph (1) of this subsection, the  
5           following:

6           “(1) FEDERAL AGENCY.—The term ‘Federal  
7           agency’ has the same meaning given the term ‘agen-  
8           cy’ in section 551(1) of title 5, United States  
9           Code.”.

10          (b) PROGRAMS AFFECTED.—Section 5 of the Indian  
11          Employment, Training and Related Services Demonstra-  
12          tion Act of 1992 (25 U.S.C. 3404) is amended—

13                 (1) by inserting “(a) IN GENERAL.—” before  
14                 “The programs”;

15                 (2) in subsection (a), as designated by para-  
16                 graph (1) of this subsection, by striking “employ-  
17                 ment opportunities, or skill development” and all  
18                 that follows through the end of the subsection, and  
19                 inserting “securing employment, retaining employ-  
20                 ment, or creating employment opportunities or other  
21                 programs relating to employment.”; and

22                 (3) by adding at the end the following:

23                 “(b) PROGRAMS.—The programs referred to in sub-  
24                 section (a) may include, at the option of an Indian tribe—

1           “(1) the program commonly referred to as the  
2           general assistance program established under the  
3           Act of November 2, 1921 (commonly known as the  
4           ‘Snyder Act’) (42 Stat. 208, chapter 115; 25 U.S.C.  
5           13); and

6           “(2) the program known as the Johnson-  
7           O’Malley Program established under the Johnson-  
8           O’Malley Act (25 U.S.C. 452 through 457), if the  
9           applicable plan for the Indian tribe under section 4  
10          includes educational services for elementary and sec-  
11          ondary school students that familiarize those stu-  
12          dents with aspects of employment.”.

13          (c) PLAN REVIEW.—Section 7 of the Indian Employ-  
14          ment, Training and Related Services Demonstration Act  
15          of 1992 (25 U.S.C. 3406) is amended—

16                 (1) by striking “Federal department” and in-  
17                 serting “Federal agency”;

18                 (2) by striking “Federal departmental” and in-  
19                 serting “Federal agency”;

20                 (3) by striking “department” each place it ap-  
21                 pears and inserting “agency”; and

22                 (4) in the third sentence, by inserting “statu-  
23                 tory requirement,” after “to waive any”.

1 (d) PLAN APPROVAL.—Section 8 of the Indian Em-  
2 ployment, Training and Related Services Demonstration  
3 Act of 1992 (25 U.S.C. 3407) is amended—

4 (1) in the first sentence, by inserting before the  
5 period the following: “(including any request for a  
6 waiver that is made as part of the plan submitted  
7 by the tribal government)”; and

8 (2) in the second sentence, by inserting before  
9 the period the following: “, including reconsidering  
10 the disapproval of any waiver requested by the In-  
11 dian tribe”.

12 (e) JOB CREATION ACTIVITIES.—Section 9 of the In-  
13 dian Employment, Training and Related Services Dem-  
14 onstration Act of 1992 (25 U.S.C. 3408) is amended—

15 (1) by inserting “(a) IN GENERAL.—” before  
16 “The plan submitted”; and

17 (2) by adding at the end the following:

18 “(b) EMPLOYMENT OPPORTUNITIES.—

19 “(1) IN GENERAL.—Notwithstanding any other  
20 provision of law, including any requirement of a pro-  
21 gram that is integrated under a plan under this Act,  
22 a tribal government may use funds made available to  
23 an Indian tribe by a Federal agency under a statu-  
24 tory or administrative formula for the creation of

1 employment opportunities, including providing pri-  
2 vate sector training placement under section 10.

3 “(2) DETERMINATION OF PERCENTAGE.—The  
4 percentage of funds that a tribal government may  
5 use under this subsection is the greater of—

6 “(A) the rate of unemployment in the area  
7 subject to the jurisdiction of the tribal govern-  
8 ment; or

9 “(B) 10 percent.”.

10 (f) FEDERAL RESPONSIBILITIES.—Section 11(a) of  
11 the Indian Employment, Training and Related Services  
12 Demonstration Act of 1992 (25 U.S.C. 3410(a)) is  
13 amended—

14 (1) in the matter preceding paragraph (1), by  
15 striking “Bureau of Indian Affairs” and inserting  
16 “Office of Self-Governance”;

17 (2) in paragraph (3), by striking “and”;

18 (3) in paragraph (4)—

19 (A) by inserting “delivered under an ar-  
20 rangement subject to the approval of the Indian  
21 tribe participating in the project,” after “appro-  
22 priate to the project,”; and

23 (B) by striking the period and inserting  
24 “; and”; and

25 (4) by adding at the end the following:

1           “(5) the convening by an appropriate official of  
2           the lead agency (whose appointment is subject to the  
3           confirmation of the Senate) and a representative of  
4           the Indian tribes that carry out demonstration  
5           projects under this Act, in consultation with each  
6           such Indian tribe, of a meeting not less than 2 times  
7           during each fiscal year for the purpose of providing  
8           an opportunity for all Indian tribes that carry out  
9           demonstration projects under this Act to discuss  
10          with officials of each department specified in sub-  
11          section (a) issues relating to the implementation of  
12          this Act.”.

13          (g) **ADDITIONAL RESPONSIBILITIES.**—In assuming  
14          the responsibilities for carrying out the duties of a lead  
15          agency under section 11(a) of the Indian Employment,  
16          Training and Related Services Demonstration Act of 1992  
17          (25 U.S.C. 3410(a)) pursuant to the amendments made  
18          to that section by subsection (f) of this section, the Direc-  
19          tor of the Office of Self-Governance of the Department  
20          of the Interior shall ensure that an orderly transfer of  
21          those lead agency functions to the Office occurs in such  
22          a manner as to eliminate any potential adverse effects on  
23          any Indian tribe that participates in a demonstration  
24          project under the Indian Employment, Training and Re-

1 lated Services Demonstration Act of 1992 (25 U.S.C.  
2 3401 et seq.).

3 (h) PERSONNEL.—In carrying out the amendment  
4 made by subsection (f)(1), the Secretary of the Interior  
5 shall transfer from the Bureau of Indian Affairs to the  
6 Office of Self-Governance of the Department of the Inte-  
7 rior such personnel and resources as the Secretary deter-  
8 mines to be appropriate.

9 (i) DEADLINE FOR TRANSFER OF FUNCTIONS.—The  
10 transfer of functions to the Office of Self-Governance of  
11 the Department of the Interior required by the amend-  
12 ment made by section 3(f)(1) shall be carried out not later  
13 than 90 days after the date of enactment of this Act.

14 **SEC. 4. CONSOLIDATED ADVISORY COMMITTEES.**

15 The Indian Employment, Training and Related Serv-  
16 ices Demonstration Act of 1992 (25 U.S.C. 3401 et seq.)  
17 is amended by adding at the end the following:

18 **“SEC. 19. CONSOLIDATED ADVISORY COMMITTEE.**

19 “(a) IN GENERAL.—The head of each Federal agency  
20 specified in section 4 that otherwise has jurisdiction over  
21 a program that is integrated under this Act (in accordance  
22 with a plan under section 6) shall permit a tribal govern-  
23 ment that carries out that plan to establish a consolidated  
24 advisory committee to carry out the duties of each advi-  
25 sory committee that would otherwise be required under ap-

1 plicable law (including any council or commission relating  
2 to private industry) to carry out the programs integrated  
3 under the plan.

4 “(b) **WAIVERS.**—As necessary to carry out subsection  
5 (a), each agency head referred to in that subsection shall  
6 waive any statutory requirement, regulation, or policy re-  
7 quiring the establishment of an advisory committee (in-  
8 cluding any advisory commission or council).”.

9 **SEC. 5. ALASKA REGIONAL CONSORTIA.**

10 The Indian Employment, Training and Related Serv-  
11 ices Demonstration Act of 1992 (25 U.S.C. 3401 et seq.),  
12 as amended by section 4 of this Act, is amended by adding  
13 at the end the following:

14 **“SEC. 20. ALASKA REGIONAL CONSORTIA.**

15 “(a) **IN GENERAL.**—Notwithstanding any other pro-  
16 vision of law, subject to subsection (b), the Secretary shall  
17 permit a regional consortium of Alaska Native villages or  
18 regional or village corporations (as defined in or estab-  
19 lished under the Alaska Native Claims Settlement Act (43  
20 U.S.C. 1601 et seq.)) to carry out a project under a plan  
21 that meets the requirements of this Act through a resolu-  
22 tion adopted by the governing body of that consortium or  
23 corporation.

24 “(b) **WITHDRAWAL.**—Nothing in subsection (a) is in-  
25 tended to prohibit an Alaska Native village or regional or

- 1 village corporation from withdrawing from participation in
- 2 any portion of a program conducted pursuant to that sub-
- 3 section.”.

