

Calendar No. 402105TH CONGRESS
2^D SESSION**S. 1279****[Report No. 105-207]**

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 9, 1997

Mr. CAMPBELL (for himself and Mr. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

JUNE 5, 1998

Reported by Mr. CAMPBELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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 1997”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

9 (1) Indian tribes and Alaska Native organiza-
10 tions that have participated in carrying out pro-
11 grams under the Indian Employment, Training and
12 Related Services Demonstration Act of 1992 (25
13 U.S.C. 3401 et seq.) have—

14 (A) improved the effectiveness of services
15 provided by those tribes and organizations;

16 (B) enabled more Indian people to secure
17 employment;

18 (C) assisted welfare recipients; and

19 (D) otherwise demonstrated the value of
20 integrating education, employment, and train-
21 ing services.

22 (2) The initiative under the Indian Employ-
23 ment, Training and Related Services Demonstration
24 Act of 1992 should be strengthened by ensuring that
25 all programs that emphasize the value of work may

1 be included within a demonstration program of an
2 Indian tribe or Alaska Native organization.

3 ~~(3) The initiative under the Indian Employ-~~
4 ~~ment, Training and Related Services Demonstration~~
5 ~~Act of 1992 shares goals and innovative approaches~~
6 ~~of the Indian Self-Determination and Education As-~~
7 ~~sistance Act (25 U.S.C. 450 et seq.).~~

8 (4) The programs referred to in paragraph (2)
9 should be implemented by the unit within the De-
10 partment of the Interior responsible for carrying out
11 the Indian Employment, Training and Related Serv-
12 ices Demonstration Act of 1992.

13 (5) The initiative under the Indian Employ-
14 ment, Training and Related Services Demonstration
15 Act of 1992 should have the benefit of the support
16 and attention of the officials of—

17 (A) the Department of the Interior; and

18 (B) other Federal agencies involved with
19 policymaking authority with respect to pro-
20 grams that emphasize the value of work for
21 American Indians and Alaska Natives.

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

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

7 (1) by redesignating paragraphs (1) through
8 (3) as paragraphs (2) through (4), respectively; and
9 (2) by inserting before paragraph (2) the fol-
10 lowing:

11 “(1) **FEDERAL AGENCY.**—The term ‘Federal
12 agency’ has the same meaning given the term ‘agen-
13 cy’ in section 551(1) of title 5, United States
14 Code.”.

15 (b) **PROGRAMS AFFECTED.**—Section 5 of the Indian
16 Employment, Training and Related Services Demonstra-
17 tion Act of 1992 (25 U.S.C. 3404) is amended by striking
18 “employment opportunities, or skill development” and all
19 that follows through the end of the section, and inserting
20 “securing employment, retaining employment, or creating
21 employment opportunities. The programs referred to in
22 the preceding sentence may include the program com-
23 monly referred to as the general assistance program estab-
24 lished under the Act of November 2, 1921 (commonly
25 known as the ‘Snyder Act’) (42 Stat. 208, chapter 115;
26 25 U.S.C. 13) and the program known as the Johnson-

1 O'Malley Program established under the Johnson-
2 O'Malley Act (25 U.S.C. 452 through 457).”.

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

6 (1) by striking “Federal department” both
7 places it appears and inserting “Federal agency”;

8 (2) by striking “Federal departmental” and in-
9 serting “Federal agency”;

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

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

14 (d) PLAN APPROVAL.—The second sentence of sec-
15 tion 8 of the Indian Employment, Training and Related
16 Services Demonstration Act of 1992 (25 U.S.C. 3407) is
17 amended by inserting before the period at the end the fol-
18 lowing: “, including reconsidering the disapproval of any
19 waiver requested by the Indian tribe”.

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

23 (1) by inserting “(a) IN GENERAL.—” before
24 “The plan submitted”;

1 (2) by striking “if such expenditures” and all
2 that follows through the end of subsection (a) (as re-
3 designated by paragraph (1) of this subsection); and

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

5 “(b) LIMITATION.—The funds used for an expendi-
6 ture described in subsection (a) may only include funds
7 made available to the Indian tribe by a Federal agency
8 under a statutory or administrative formula.”.

9 (f) PRIVATE SECTOR TRAINING PLACEMENTS.—Sec-
10 tion 11(a) of the Indian Employment, Training and Relat-
11 ed Services Demonstration Act of 1992 (25 U.S.C.
12 3410(a)) is amended—

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

17 (2) in paragraph (4)—

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

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

24 (3) 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 issues relating to the implementation of this Act
11 with officials of each department specified in sub-
12 section (a).”.

13 (g) PERSONNEL.—In carrying out the amendment
14 made by subsection (f)(1), the Secretary of the Interior
15 shall transfer from the Bureau of Indian Affairs to the
16 Office of Self-Governance of the Department of the Inte-
17 rior such personnel and resources as the Secretary deter-
18 mines to be appropriate.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Indian Employment,*
21 *Training and Related Services Demonstration Act Amend-*
22 *ments of 1998”.*

23 **SEC. 2. FINDINGS.**

24 *Congress finds that—*

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

6 (A) *improved the effectiveness of services*
7 *provided by those tribes and organizations;*

8 (B) *enabled more Indian people to secure*
9 *employment;*

10 (C) *assisted welfare recipients; and*

11 (D) *otherwise demonstrated the value of in-*
12 *tegrating education, employment, and training*
13 *services;*

14 (2) *the initiative under the Indian Employment,*
15 *Training and Related Services Demonstration Act of*
16 *1992 should be strengthened by ensuring that all pro-*
17 *grams that emphasize the value of work may be in-*
18 *cluded within a demonstration program of an Indian*
19 *tribe or Alaska Native organization;*

20 (3) *the initiative under the Indian Employment,*
21 *Training and Related Services Demonstration Act of*
22 *1992 shares goals and innovative approaches of the*
23 *Indian Self-Determination and Education Assistance*
24 *Act (25 U.S.C. 450 et seq.);*

1 (4) the programs referred to in paragraph (2)
 2 should be implemented by the Office of Self-Govern-
 3 ance of the Department of the Interior, the unit with-
 4 in the Department of the Interior responsible for car-
 5 rying out self-governance programs under the Indian
 6 Self-Determination and Education Assistance Act;
 7 and

8 (5) the initiative under the Indian Employment,
 9 Training and Related Services Demonstration Act of
 10 1992 should have the benefit of the support and atten-
 11 tion of the officials of—

12 (A) the Department of the Interior; and

13 (B) other Federal agencies involved with
 14 policymaking authority with respect to programs
 15 that emphasize the value of work for American
 16 Indians and Alaska Natives.

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

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

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

1 (2) *by inserting before paragraph (2) the follow-*
2 *ing:*

3 “(1) *FEDERAL AGENCY.*—*The term ‘Federal*
4 *agency’ has the same meaning given the term ‘agency’*
5 *in section 551(1) of title 5, United States Code.*”.

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

9 (1) *by inserting “(a) IN GENERAL.—” before*
10 *“The programs”;*

11 (2) *in subsection (a), as designated by para-*
12 *graph (1) of this subsection, by striking “employment*
13 *opportunities, or skill development” and all that fol-*
14 *lows through the end of the subsection, and inserting*
15 *“securing employment, retaining employment, or cre-*
16 *ating employment opportunities and other programs*
17 *relating to the world of work.”; and*

18 (3) *by adding at the end the following:*

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

21 “(1) *the program commonly referred to as the*
22 *general assistance program established under the Act*
23 *of November 2, 1921 (commonly known as the ‘Sny-*
24 *der Act’)* (42 Stat. 208, chapter 115; 25 U.S.C. 13);
25 *and*

1 “(2) the program known as the Johnson-
2 O’Malley Program established under the Johnson-
3 O’Malley Act (25 U.S.C. 452 through 457), if the ap-
4 plicable plan for the Indian tribe under section 4 in-
5 cludes educational services for elementary and second-
6 ary school students that familiarize those students
7 with the world of work.”.

8 (c) *PLAN REVIEW*.—Section 7 of the Indian Employ-
9 ment, Training and Related Services Demonstration Act of
10 1992 (25 U.S.C. 3406) is amended—

11 (1) by striking “Federal department” and insert-
12 ing “Federal agency”;

13 (2) by striking “Federal departmental” and in-
14 serting “Federal agency”;

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

17 (4) in the third sentence, by inserting “statutory
18 requirement,” after “to waive any”.

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

22 (1) in the first sentence, by inserting before the
23 period at the end the following: “(including any re-
24 quest for a waiver that is made as part of the plan
25 submitted by the tribal government)”; and

1 (2) *in the second sentence, by inserting before the*
 2 *period at the end the following: “, including reconsid-*
 3 *ering the disapproval of any waiver requested by the*
 4 *Indian tribe”.*

5 *(e) JOB CREATION ACTIVITIES.—Section 9 of the In-*
 6 *dian Employment, Training and Related Services Dem-*
 7 *onstrations Act of 1992 (25 U.S.C. 3408) is amended—*

8 (1) *by inserting “(a) IN GENERAL.—” before*
 9 *“The plan submitted”; and*

10 (2) *by adding at the end the following:*

11 “(b) *EMPLOYMENT OPPORTUNITIES.—*

12 “(1) *IN GENERAL.—Notwithstanding any other*
 13 *provision of law, including any requirement of a pro-*
 14 *gram that is integrated under a plan under this Act,*
 15 *a tribal government may use a percentage of the*
 16 *funds made available under this Act (as determined*
 17 *under paragraph (2)) for the creation of employment*
 18 *opportunities, including providing private sector*
 19 *training placement under section 10.*

20 “(2) *DETERMINATION OF PERCENTAGE.—The*
 21 *percentage of funds that a tribal government may use*
 22 *under this subsection is the greater of—*

23 “(A) *the rate of unemployment in the area*
 24 *subject to the jurisdiction of the tribal govern-*
 25 *ment; or*

1 “(B) 10 percent.

2 “(c) *LIMITATION.*—*The funds used for an expenditure*
3 *described in subsection (a) may only include funds made*
4 *available to the Indian tribe by a Federal agency under*
5 *a statutory or administrative formula.*”.

6 (f) *FEDERAL RESPONSIBILITIES.*—*Section 11(a) of the*
7 *Indian Employment, Training and Related Services Dem-*
8 *onstration Act of 1992 (25 U.S.C. 3410(a)) is amended—*

9 (1) *in the matter preceding paragraph (1), by*
10 *striking “Bureau of Indian Affairs” and inserting*
11 *“Office of Self-Governance”;*

12 (2) *in paragraph (3), by striking “and” at the*
13 *end;*

14 (3) *in paragraph (4)—*

15 (A) *by inserting “delivered under an ar-*
16 *rangement subject to the approval of the Indian*
17 *tribe participating in the project,” after “appro-*
18 *priate to the project,”; and*

19 (B) *by striking the period and inserting “;*
20 *and”;* and

21 (4) *by adding at the end the following:*

22 “(5) *the convening by an appropriate official of*
23 *the lead agency (whose appointment is subject to the*
24 *confirmation of the Senate) and a representative of*
25 *the Indian tribes that carry out demonstration*

1 *projects under this Act, in consultation with each*
2 *such Indian tribe, of a meeting not less than 2 times*
3 *during each fiscal year for the purpose of providing*
4 *an opportunity for all Indian tribes that carry out*
5 *demonstration projects under this Act to discuss*
6 *issues relating to the implementation of this Act with*
7 *officials of each department specified in subsection*
8 *(a).”.*

9 *(g) ADDITIONAL RESPONSIBILITIES.—In assuming the*
10 *responsibilities for carrying out the duties of a lead agency*
11 *under section 11(a) of the Indian Employment, Training*
12 *and Related Services Demonstration Act of 1992 (25 U.S.C.*
13 *3410(a)) pursuant to the amendments made to that section*
14 *by subsection (f) of this section, the Director of the Office*
15 *of Self-Governance of the Department of the Interior shall*
16 *ensure that an orderly transfer of those lead agency func-*
17 *tions to the Office occurs in such manner as to eliminate*
18 *any potential adverse effects on any Indian tribe that par-*
19 *ticipates in a demonstration project under the Indian Em-*
20 *ployment, Training and Related Services Demonstration*
21 *Act of 1992 (25 U.S.C. 3401 et seq.).*

22 *(h) PERSONNEL.—In carrying out the amendment*
23 *made by subsection (f)(1), the Secretary of the Interior shall*
24 *transfer from the Bureau of Indian Affairs to the Office*
25 *of Self-Governance of the Department of the Interior such*

1 *personnel and resources as the Secretary determines to be*
 2 *appropriate.*

3 **SEC. 4. CONSOLIDATED ADVISORY COMMITTEES.**

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

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

8 *“(a) IN GENERAL.—The head of each Federal agency*
 9 *specified in section 4 that otherwise has jurisdiction over*
 10 *a program that is integrated under this Act (in accordance*
 11 *with a plan under section 6) shall permit a tribal govern-*
 12 *ment that carries out that plan to establish a consolidated*
 13 *advisory committee to carry out the duties of each advisory*
 14 *committee that would otherwise be required under applica-*
 15 *ble law (including any council or commission relating to*
 16 *private industry) to carry out the programs integrated*
 17 *under the plan.*

18 *“(b) WAIVERS.—As necessary to carry out subsection*
 19 *(a), each agency head referred to in that paragraph shall*
 20 *waive any statutory requirement, regulation, or policy re-*
 21 *quiring the establishment of an advisory committee (includ-*
 22 *ing any advisory commission or council).”.*

23 **SEC. 5. ALASKA REGIONAL CONSORTIA.**

24 *The Indian Employment, Training and Related Serv-*
 25 *ices Demonstration Act of 1992 (25 U.S.C. 3401 et seq.),*

1 *as amended by section 4 of this Act, is amended by adding*
2 *at the end the following:*

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

4 “(a) *IN GENERAL.*—Notwithstanding any other provi-
5 *sion of law, subject to subsection (b), the Secretary shall*
6 *permit a regional consortium of Alaska Native villages or*
7 *regional or village corporations (as defined in or established*
8 *under the Alaska Native Claims Settlement Act (43 U.S.C.*
9 *1601 et seq.)) to carry out a project under a plan that meets*
10 *the requirements of this Act through a resolution adopted*
11 *by the governing body of that consortium or corporation.*

12 “(b) *WITHDRAWAL.*—Nothing in subsection (a) is in-
13 *tended to prohibit an Alaska Native village or regional or*
14 *village corporation from withdrawing from participation*
15 *in any portion of a program conducted pursuant to that*
16 *subsection.”.*

17 **SEC. 6. EFFECTIVE DATES.**

18 *This Act and the amendments made by this Act shall*
19 *take effect on the date of enactment of this Act, except that*
20 *the transfer of functions to the Office of Self-Governance of*
21 *the Department of the Interior under the amendment made*
22 *by section 3(f)(1) shall be carried out not later than 90 days*
23 *after the date of enactment of this Act.*

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[Report No. 105-207]

A BILL

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JUNE 5, 1998

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