

105TH CONGRESS  
2D SESSION

# S. 1279

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1998

Referred to the Committee on Resources

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## AN ACT

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 Indian people to secure  
11 employment;

12 (C) assisted welfare recipients; and

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

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

22 (3) the initiative under the Indian Employment,  
23 Training and Related Services Demonstration Act of  
24 1992 shares goals and innovative approaches of the  
25 Indian Self-Determination and Education Assistance  
26 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  
 4           within the Department of the Interior responsible  
 5           for carrying out self-governance programs under the  
 6           Indian Self-Determination and Education Assistance  
 7           Act; 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 at-  
 11          tention 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 pro-  
 15           grams that emphasize the value of work for  
 16           American 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  
 22          of 1992 (25 U.S.C. 3402) is amended—

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

1           (2) by inserting before paragraph (2) the fol-  
 2       lowing:

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

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

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

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

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

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

22           “(1) the program commonly referred to as the  
 23       general assistance program established under the  
 24       Act of November 2, 1921 (commonly known as the

1 ‘Snyder Act’) (42 Stat. 208, chapter 115; 25 U.S.C.  
2 13); and

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

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

13 (1) by striking “Federal department” and in-  
14 serting “Federal agency”;

15 (2) by striking “Federal departmental” and in-  
16 serting “Federal agency”;

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

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

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

24 (1) in the first sentence, by inserting before the  
25 period at the end the following: “(including any re-

1       quest for a waiver that is made as part of the plan  
2       submitted by the tribal government)”; and

3               (2) in the second sentence, by inserting before  
4       the period at the end the following: “, including re-  
5       considering the disapproval of any waiver requested  
6       by the Indian tribe”.

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

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

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

13       “(b) EMPLOYMENT OPPORTUNITIES.—

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

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

1           “(A) the rate of unemployment in the area  
2           subject to the jurisdiction of the tribal govern-  
3           ment; or

4           “(B) 10 percent.

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

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

16               (2) in paragraph (3), by striking “and” at the  
17               end;

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

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

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

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

14 “(a) IN GENERAL.—The head of each Federal agency  
15 specified in section 4 that otherwise has jurisdiction over  
16 a program that is integrated under this Act (in accordance  
17 with a plan under section 6) shall permit a tribal govern-  
18 ment that carries out that plan to establish a consolidated  
19 advisory committee to carry out the duties of each advi-  
20 sory committee that would otherwise be required under ap-  
21 plicable law (including any council or commission relating  
22 to private industry) to carry out the programs integrated  
23 under the plan.

24 “(b) WAIVERS.—As necessary to carry out subsection  
25 (a), each agency head referred to in that paragraph shall

1 waive any statutory requirement, regulation, or policy re-  
2 quiring the establishment of an advisory committee (in-  
3 cluding any advisory commission or council).”.

4 **SEC. 5. ALASKA REGIONAL CONSORTIA.**

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

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

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

19       “(b) WITHDRAWAL.—Nothing in subsection (a) is in-  
20 tended to prohibit an Alaska Native village or regional or  
21 village corporation from withdrawing from participation in  
22 any portion of a program conducted pursuant to that sub-  
23 section.”.

1   **SEC. 6. EFFECTIVE DATES.**

2           This Act and the amendments made by this Act shall  
3 take effect on the date of enactment of this Act, except  
4 that the transfer of functions to the Office of Self-Govern-  
5 ance of the Department of the Interior under the amend-  
6 ment made by section 3(f)(1) shall be carried out not later  
7 than 90 days after the date of enactment of this Act.

          Passed the Senate June 18, 1998.

Attest:

GARY SISCO,  
*Secretary.*