

108TH CONGRESS  
2D SESSION

# S. 2301

To improve the management of Indian fish and wildlife and gathering resources, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 7, 2004

Mr. INOUE introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To improve the management of Indian fish and wildlife and gathering resources, 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; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Native American Fish and Wildlife Resources Manage-  
6       ment Act of 2004”.

7       (b) **TABLE OF CONTENTS.**—The table of contents of  
8       this Act is as follows:

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

## TITLE II—TRIBAL FISH AND WILDLIFE PROGRAMS

- Sec. 201. Management of Tribal Fish and Wildlife Programs.  
 Sec. 202. Education in Tribal Fish and Wildlife Resource Management.  
 Sec. 203. Tribal Fish Hatchery Assistance Program.

## TITLE III—ALASKA NATIVE FISH AND WILDLIFE PROGRAMS

- Sec. 301. Management of Native Fish and Wildlife Programs in Alaska.  
 Sec. 302. Subsistence Resources and Management Planning.  
 Sec. 303. Alaska Native Seafood and Resource Marketing Assistance Program.

TITLE IV—TRIBAL SEAFOOD AND RESOURCE MARKETING  
ASSISTANCE PROGRAM

- Sec. 401. Establishment of Tribal Seafood and Resource Marketing Assistance Program.  
 Sec. 402. Market Development Loan and Grants Program.

TITLE V—TRIBAL BUFFALO CONSERVATION AND MANAGEMENT  
[to be developed]

## TITLE VI—MISCELLANEOUS PROVISIONS.

- Sec. 601. Authorization of Appropriations.  
 Sec. 602. Regulations.  
 Sec. 603. Savings.  
 Sec. 604. Severability.

**1 TITLE I—GENERAL PROVISIONS****2 SEC. 101. FINDINGS.**

**3 Congress finds that—**

**4 (1) the United States and Indian tribes have a**  
**5 government-to-government relationship;**

**6 (2) Indian tribes exercise governmental author-**  
**7 ity over their citizens and their lands, and retain all**  
**8 aspects of their inherent sovereignty not explicitly**  
**9 ceded to the United States;**

**10 (3) the wise use and sustainable management of**  
**11 tribal fish and wildlife resources has a direct effect**  
**12 on the economic security and health and welfare of**  
**13 Indian tribes;**

1           (4) Indian tribes retain the sovereign govern-  
2           mental authority to exercise some aspects of civil ju-  
3           risdiction over non-members on their reservations,  
4           including the exercise of some aspects of civil juris-  
5           diction on non-trust lands;

6           (5) Federal canons of construction require that  
7           any modification of a treaty must be expressly pro-  
8           vided for by the Congress;

9           (6) the United States has a trust responsibility  
10          to protect, conserve, and manage tribal natural re-  
11          sources, including fish and wildlife and gathering re-  
12          sources, consistent with the rights reserved by In-  
13          dian tribes as reflected in treaties and other agree-  
14          ments with the United States, and judicial decrees;

15          (7) the United States trust responsibility ex-  
16          tends to all Federal agencies and departments, and  
17          absent a clear expression of Congressional intent to  
18          the contrary, the United States has a duty to admin-  
19          ister Federal fish and wildlife conservation laws and  
20          resource management programs in a manner con-  
21          sistent with its fiduciary obligation to honor and  
22          protect the rights reserved by Indian tribes as re-  
23          flected in treaties and other agreements with the  
24          United States, and judicial decrees;

1           (8) Federal statutes and regulations affecting  
2       tribal fish and wildlife resources and management  
3       activities shall be interpreted in accordance with  
4       long-standing principles of Federal-Indian law, stat-  
5       utes, and judicial decrees which inform the relation-  
6       ship between Indian tribal governments and the  
7       United States;

8           (9) the United States recognizes that fish and  
9       wildlife resources located on tribal lands, in regional  
10      tribal resource management areas, and in ceded ter-  
11      ritory in which hunting, fishing, and gathering  
12      rights reserved by Indian tribes in treaties and other  
13      agreements with the United States, and in judicial  
14      decrees, continue to provide sustenance, cultural en-  
15      richment, and economic stability for Indian tribes  
16      through employment in resource management occu-  
17      pations;

18          (10) Indian tribal governments retain sovereign  
19      governmental authority and jurisdiction to regulate  
20      hunting and fishing activities on tribal lands as well  
21      as governmental authority to regulate the hunting  
22      and fishing activities of tribal citizens on lands out-  
23      side of reservation boundaries;

24          (11) Indian tribal governments serve as co-  
25      managers of fish and wildlife resources with govern-

1       ments of other tribes, States, and the United States,  
2       sharing management responsibilities for fish and  
3       wildlife resources pursuant to treaties and agree-  
4       ments with the United States, statutes, and judicial  
5       decrees;

6           (12) since time immemorial, Indian cultures, re-  
7       ligious beliefs and customs have centered around  
8       their relationships with fish, wildlife, and gathering  
9       resources, and Indian people have relied on these re-  
10      sources for food, shelter, clothing, tools, and trade;

11          (13) Indian fish and wildlife resources are re-  
12      newable and manageable natural resources that are  
13      among the most valuable tribal assets and which are  
14      vital to the well-being of Indian people;

15          (14) Indian lands contain millions of acres of  
16      natural lakes, woodlands, and impoundments, thou-  
17      sand of perennial streams, and tens of millions of  
18      acres of wildlife habitat;

19          (15) Indian and Alaska Native fish and wildlife  
20      programs contribute significantly to the conservation  
21      and enhancement of fish, wildlife, and gathering re-  
22      sources, including those resources which are classi-  
23      fied as threatened or endangered;

24          (16) Federal, State, and tribal fish hatcheries  
25      produce tens of millions of salmon, steelhead, wall-

1 eye, and other fish species annually, benefitting both  
2 Indian and non-Indian sport and commercial fish-  
3 eries in the United States and Canada, and serving  
4 Indian subsistence and ceremonial needs;

5 (17) Indian reservations and Alaska Native  
6 communities continue to suffer from the highest  
7 rates of unemployment in the nation, and the cur-  
8 rent economic infrastructure and capital base of  
9 many tribes and Native communities does not pro-  
10 vide adequate support to take advantage of economic  
11 opportunities;

12 (18) comprehensive and improvement manage-  
13 ment of Indian fish and wildlife resources will yield  
14 greater economic returns, enhance Indian self-deter-  
15 mination, strengthen tribal self-governance, promote  
16 employment opportunities, and improve the social,  
17 cultural, and economic well-being of Indian and  
18 neighboring communities;

19 (19) the United States has a responsibility to  
20 provide assistance to Indian tribes to—

21 (A) enable integrated management and  
22 regulation of hunting, fishing, trapping, and  
23 gathering activities on tribal lands, including  
24 the protection, conservation, and enhancement  
25 of resource populations and habitats upon

1           which the meaningful exercise of Indian rights  
2           depend;

3                 (B) develop integrated resource manage-  
4           ment plans, cooperative management agree-  
5           ments, and regulations addressing hunting,  
6           fishing, trapping, and gathering activities on  
7           tribal lands, including the protection, conserva-  
8           tion, and enhancement of resource populations  
9           and habitats upon which the meaningful exer-  
10          cise of subsistence activities depend;

11                (C) maintain fish hatcheries and other fa-  
12          cilities and structures required for the prudent  
13          management, enhancement, and mitigation of  
14          fish and wildlife resources; and

15                (D) assist Indian tribal governments in de-  
16          veloping and enhancing economic opportunities  
17          associated with the conservation and manage-  
18          ment of fish and wildlife resources;

19                (20) the United States is committed to the goal  
20          of supporting and enhancing tribal self-government,  
21          tribal self-sufficiency, and the economic development  
22          of Native communities as expressed through numer-  
23          ous Federal statutes; and

24                (21) while the existing network of Federal laws  
25          and programs provide a framework for the protec-

1       tion and management of Indian fish and wildlife re-  
2       sources, gathering resources, and the operation and  
3       maintenance of Indian fish production programs and  
4       facilities, an integrated and comprehensive approach  
5       to these programs will help to ensure the coordina-  
6       tion of Federal agency activities with those of Indian  
7       tribal governments as well as the efficiency and ef-  
8       fectiveness of Federal and tribal government pro-  
9       grams.

10 **SEC. 102. PURPOSES.**

11       The purposes of this Act are—

12           (1) to reaffirm and protect Indian hunting,  
13       fishing, trapping, and gathering rights, and to pro-  
14       vide for the conservation, prudent management, en-  
15       hancement, orderly development, and wise use of the  
16       resources upon which the meaningful exercise of In-  
17       dian tribal rights depend;

18           (2) to enhance and maximize tribal capability  
19       and capacity to meaningfully participate in man-  
20       aging fish and wildlife resources for the continuing  
21       benefit of Indian people, and in co-managing shared  
22       resources for the benefit of the Nation, in a manner  
23       consistent with the exercise of tribal hunting, fish-  
24       ing, trapping, and gathering rights and the United  
25       States trust responsibility to protect the rights re-



1 served by Indian tribes in treaties with the United  
2 States and tribal resources;

3 (3) to support the Federal policy of Indian self-  
4 determination and tribal self-governance by author-  
5 izing and encouraging government-to-government re-  
6 lations and cooperative agreements amongst Federal,  
7 State, local, and tribal governments, as well as inter-  
8 national agencies and commissions responsible for  
9 multijurisdictional decision-making regarding fish  
10 and wildlife resources;

11 (4) to authorize and establish an Indian Fish  
12 Hatchery Assistance Program that may be adminis-  
13 tered by Indian tribal governments to address Indian  
14 hatchery needs and fulfill tribal co-management re-  
15 sponsibilities;

16 (5) to authorize and establish an Indian Fish  
17 and Wildlife Resource Management Education As-  
18 sistance and Cooperative Research Unit Program to  
19 promote and develop full tribal technical capability  
20 and competence in managing fish and wildlife re-  
21 source programs and to authorize the Secretary of  
22 the Interior, the Secretary of Commerce, the Sec-  
23 retary of Agriculture, and other Federal agencies to  
24 enter into cooperative agreements with Indian tribal  
25 governments and tribal organizations, colleges, uni-

1       versities, and nonprofit organizations for the admin-  
2       istration of tribal fish and wildlife cooperative re-  
3       search units;

4               (6) to establish a buffalo conservation and man-  
5       agement program; and

6               (7) to authorize and establish an Indian Sea-  
7       food and Resource Marketing Assistance Program  
8       within the Department of Commerce, to provide as-  
9       sistance to and support for the efforts of tribal gov-  
10      ernments to develop and enhance domestic and  
11      international markets for seafood, seafood products,  
12      and other natural resources.

13 **SEC. 103. DEFINITIONS.**

14       For purposes of this Act—

15               (1) the term “Bureau” means the Bureau of  
16       Indian Affairs within the U.S. Department of the  
17       Interior;

18               (2) the term “ceded territory” means land  
19       ceded by an Indian tribe or tribes in a treaty with  
20       the United States upon which the tribe or tribes re-  
21       tain hunting, fishing, and gathering rights;

22               (3) the terms “co-management” or “cooperative  
23       management” mean a process involving two or more  
24       governments or governmentally-chartered entities  
25       jointly exercising their respective jurisdiction over or

1 responsibilities for the management or use of a fish  
2 or wildlife resource during some phase of the life  
3 cycle of that resource;

4 (4) the term “cooperative agreement” means a  
5 written agreement entered into by two or more gov-  
6 ernments or parties agreeing to work together to ac-  
7 tively protect, conserve, enhance, restore, or other-  
8 wise manage fish and wildlife resources;

9 (5) the term “Indian fish hatchery” means any  
10 single-purpose or multi-purpose facility in which the  
11 spawning, hatching, rearing, holding, caring for, or  
12 stocking of fish takes place including related re-  
13 search and diagnostic fish health facilities, and  
14 which is—

15 (A) owned or operated by an Indian tribal  
16 government, the Bureau of Indian Affairs, or  
17 the U.S. Fish and Wildlife Service on Indian  
18 lands;

19 (B) owned or operated by any government  
20 agency pursuant to Federal statute and has as  
21 one of its purposes the mitigation, compensa-  
22 tion, restoration, or recovery of fish resources  
23 subject to reserved tribal treaty rights and for  
24 which an Indian tribe has entered into a coop-  
25 erative agreement or for which an Indian tribe

1           has petitioned the administering agency to  
2           enter into a cooperative agreement for the co-  
3           management of fish resources;

4           (C) owned or operated by a State govern-  
5           ment or a State institution of higher education,  
6           and for which an Indian tribe or tribes have en-  
7           tered into a cooperative management agree-  
8           ment;

9           (6) the term “fish hatchery maintenance”  
10          means work that is required at periodic intervals to  
11          prolong the life of a fish hatchery, hatchery compo-  
12          nents, and associated equipment, in order to prevent  
13          the need for premature replacement or repair;

14          (7) the term “fish hatchery rehabilitation”  
15          means non-cyclical work that is required to address  
16          the physical deterioration and functional obsoles-  
17          cence of a fish hatchery building, structure, or other  
18          facility component, or to repair damage, or to repair  
19          damage resulting from aging, natural phenomena,  
20          and other causes, including work to repair, modify,  
21          or improve facility components to enhance their  
22          original function, the application of technological ad-  
23          vances, and the replacement or acquisition of capital  
24          equipment, such as, among others, fish distribution  
25          tanks, vehicles, and standby generators;

1           (8) the term “forest land management activity”  
2       has the same meaning given to such term in section  
3       304(4) of the Indian Forest Resources Management  
4       Act (25 U.S.C. 3103(4));

5           (9) the term “Indian” means a member of an  
6       Indian tribe as defined in section 4 of the Indian  
7       Self-Determination and Education Assistance Act  
8       (25 U.S.C. 450b(d));

9           (10) the term “Indian fish and wildlife organi-  
10      zation” means a commission, authority, or other en-  
11      tity chartered by one or more Indian tribal govern-  
12      ments for the purpose of representing or coordi-  
13      nating tribal interests in pursuing resource manage-  
14      ment or rights protection goals and strategies;

15          (11) the term “Indian fish and wildlife” means  
16      any species of animal or plant life for which Indians  
17      have a right to fish, hunt, trap, or gather for sub-  
18      sistence, ceremonial, recreational, or commercial  
19      purposes, or for which an Indian tribal government  
20      has management or co-management responsibilities;

21          (12) the term “Indian lands” means all land  
22      within the limits of any Indian reservation which is  
23      held in trust by the United States, a former Indian  
24      reservation in the State of Oklahoma, dependent In-  
25      dian communities within the borders of the United

1 States whether within or without the limits of a  
2 State, and all Indian allotments for which there is  
3 a restriction against alienation;

4 (13) the term “Indian reservation” means any  
5 reservation of land for an Indian tribe established  
6 pursuant to treaties, Acts of Congress or Executive  
7 Orders, public domain Indian allotments, former In-  
8 dian reservations in Oklahoma, and dependent In-  
9 dian communities within the borders of the United  
10 States whether within or without the limits of a  
11 State;

12 (14) the term “Indian tribe” means an Indian  
13 tribe as defined in section 4 of the Indian Self-De-  
14 termination and Education Assistance Act (25  
15 U.S.C. 450b(e)), which is recognized as eligible for  
16 the special programs and services provided by the  
17 United States to Indians because of their status as  
18 Indians;

19 (15) the term “integrated resource management  
20 plan” means a plan developed pursuant to the proc-  
21 ess used by a tribal government to assess resources  
22 and to identify comprehensive management objec-  
23 tives including the quality of life, production goals,  
24 and landscape descriptions of all designated re-  
25 sources that may include, but are not limited to,

1 water, fish, wildlife, forestry, agriculture, minerals,  
2 recreation, community, and municipal resources, and  
3 may include tribal codes and plans related to such  
4 resources;

5 (16) the term “regional resource management  
6 areas” means those areas in which an Indian tribal  
7 government as a right to fish, hunt, gather, or trap  
8 for subsistence, ceremonial, or commercial purposes,  
9 or in which an Indian tribal government has man-  
10 agement or co-management responsibilities;

11 (17) the term “reserved rights” means those  
12 rights and authorities of an Indian tribal govern-  
13 ment retained by the Indian tribe in treaties with  
14 the United States, including the right to continue to  
15 harvest natural resources within ceded lands and  
16 customary use areas and the access necessary to ex-  
17 ercise those rights;

18 (18) the term “resource management activities”  
19 means all activities performed in managing tribal  
20 fish, wildlife, gathering, and related outdoor recre-  
21 ation and resources, including but not limited to—

22 (A) the conduct of fish and wildlife popu-  
23 lation and life history investigations, habitat in-  
24 vestigations, habitat mitigation, enhancement,

1 rehabilitation and restoration projects and pro-  
2 grams, harvest management, and use studies;

3 (B) the development and implementation  
4 of surveys, inventories, geographic information  
5 system programs, and integrated resource man-  
6 agement plans for Indian lands, regional re-  
7 source management areas or traditional use  
8 areas;

9 (C) fish production and hatchery manage-  
10 ment;

11 (D) the development, implementation, and  
12 enforcement of tribal fish and wildlife codes, or-  
13 dinances and regulations;

14 (E) the development of tribal conservation  
15 programs, including employment and training  
16 of tribal conservation enforcement officers;

17 (F) judicial services;

18 (G) public use and information manage-  
19 ment and general administration; and

20 (H) participation in joint or cooperative  
21 management of fish and wildlife resources on a  
22 regional basis with Federal, State, tribal, local,  
23 or international authorities;

24 (19) the term “Secretary” means the Secretary  
25 of the U.S. Department of the Interior;



1           (20) The term “seafood” means any plant or  
2           animal that may be gathered, collected, or harvested  
3           in marine or fresh water;

4           (21) The term “traditional use area” means  
5           lands that Indian tribes and their members have his-  
6           torically, culturally, and geographically used for spir-  
7           itual, social, political, economic, and sustenance pur-  
8           poses;

9           (22) The term “tribal co-management” means  
10          the sharing of decision-making, resource informa-  
11          tion, and management responsibilities with one or  
12          more governments in local, regional, national, and  
13          international fish and wildlife resource management  
14          processes;

15          (23) The term “tribal government” means the  
16          governing body of an Indian tribe; and

17          (24) The term “tribal organization” has the  
18          meaning given to such term in section 4 of the In-  
19          dian Self-Determination and Educational Assistance  
20          Act (25 U.S.C. 450b), including tribal fish and wild-  
21          life organizations.

## **TITLE II—TRIBAL FISH AND WILDLIFE PROGRAMS**

TRIBAL MANAGEMENT OF INDIAN FISH, WILDLIFE, AND  
GATHERING RESOURCES

### **SEC. 201. MANAGEMENT OBJECTIVES.**

(a) Consistent with provisions of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b et seq.), the Secretary shall support tribal administration of Indian fish and wildlife resource management activities to achieve the following objectives:

(1) To carry out the government-to-government relationship between Indian tribal governments and the United States in the management of Indian fish and wildlife resources.

(2) To protect Indian hunting, fishing, and gathering rights reserved by Indian tribe in treaties with the United States, or guaranteed to Indian tribes by the United States through statute, Executive Order, or court decree.

(3) To provide for the development and enhancement of the capacities of Indian tribal governments to manage Indian fish and wildlife resources.

(4) To protect, conserve and enhance Indian fish and wildlife resources that are important to the

1 subsistence, cultural enrichment, and economic de-  
2 velopment of Indian communities.

3 (5) To promote the development and use of In-  
4 dian fish and wildlife resources for the maximum  
5 benefit of Indian people, by managing tribal re-  
6 sources in accordance with tribally-developed inte-  
7 grated resource management plans which provide for  
8 the comprehensive management of all natural re-  
9 sources.

10 (6) To selectively develop and increase produc-  
11 tion of certain fish and wildlife resources.

12 (7) To support the inclusion of tribal co-man-  
13 agement or cooperative activities in local, regional,  
14 national, or international decision-making processes  
15 and forums.

16 (8) To develop and increase the production of  
17 fish, wildlife, and gathering resources so as to better  
18 meet tribal subsistence, ceremonial, recreational, and  
19 commercial needs.

20 (b) MANAGEMENT PROGRAM.—

21 (1) In order to achieve the objectives set forth  
22 in subsection (a), the Secretary, in full consultation  
23 with Indian tribal governments and tribal organiza-  
24 tions, shall establish the Tribal Fish and Wildlife  
25 Resource Management Program which shall be ad-

1 ministered consistent with the provisions of the In-  
2 dian Self-Determination and Educational Assistance  
3 Act (25 U.S.C. 450b et seq.).

4 (2) The Secretary shall promote tribal manage-  
5 ment of tribal fish, wildlife, trapping, and gathering  
6 resources, and implementation of this Act, through  
7 contracts, cooperative agreements, or grants under  
8 the Indian Self-Determination and Educational As-  
9 sistance Act (25 U.S.C. 450b et seq.), or other Fed-  
10 eral laws.

11 (3) Upon the request of an Indian tribal gov-  
12 ernment or tribal organization, the Secretary shall  
13 enter into a contract, cooperative agreement, or a  
14 grant under the Indian Self-Determination and Edu-  
15 cational Assistance Act with the tribal government  
16 or tribal organization to plan, conduct, or administer  
17 any program of the Department of the Interior, or  
18 portion thereof, which affects tribal fish and wildlife  
19 resources and which is currently administered by the  
20 Secretary without regard to the agency or office of  
21 the Department of the Interior or the organizational  
22 level within the Department.

23 (4) Upon the request of an Indian tribal gov-  
24 ernment or tribal organization, the Secretary shall  
25 enter into a cooperative agreement with the tribal

1 government or tribal organization to address man-  
2 agement issues affecting tribal fish and wildlife re-  
3 sources.

4 (c) MANAGEMENT ACTIVITIES.—Tribal fish and wild-  
5 life resource management activities carried out under the  
6 program established in subsection (b) may include, but  
7 shall not be limited to—

8 (1) the conduct of fish and wildlife population  
9 and life history investigations, habitat investigations,  
10 habitat mitigation, enhancement, rehabilitation and  
11 restoration projects and programs, harvest manage-  
12 ment, and use studies;

13 (2) the development and implementation of in-  
14 tegrated resource management plans for tribal lands  
15 or regional resource management areas, surveys, and  
16 inventories;

17 (3) fish production and hatchery management;

18 (4) the development, implementation, and en-  
19 forcement of tribal fish and wildlife codes, ordi-  
20 nances, and regulations;

21 (5) the development of tribal conservation pro-  
22 grams, including employment and training of tribal  
23 conservation enforcement officers;

24 (6) judicial services;

1           (7) public use and information management  
2           and general administration; and

3           (8) participation in joint or cooperative man-  
4           agement of fish and wildlife resources on a regional  
5           basis with Federal, State, tribal, and local or inter-  
6           national authorities.

7           (d) SURVEY AND REPORT.—

8           (1) Upon the request of an Indian tribal gov-  
9           ernment, the Secretary shall cause to be conducted  
10          a survey for the reservation of that tribal govern-  
11          ment, which shall include but not be limited to—

12                (A) a review of existing tribal codes, ordi-  
13                nances, and regulations governing the manage-  
14                ment of fish and wildlife resources;

15                (B) an assessment of the need to update  
16                and revise tribal codes, ordinances, and regula-  
17                tions governing tribal fish and wildlife resource  
18                protection and use;

19                (C) a determination and documentation of  
20                the needs for tribal conservation officers, tribal  
21                fisheries, and wildlife biologists, and other pro-  
22                fessionals to administer tribal fish and wildlife  
23                resources management programs;

24                (D) an assessment of the need to provide  
25                training to and develop curricula for tribal fish

1 and wildlife resource personnel, including tribal  
2 conservation officers, tribal fisheries, and wild-  
3 life biologists, and other professionals to admin-  
4 ister tribal fish and wildlife resource manage-  
5 ment programs;

6 (E) an assessment of the need for training  
7 of Federal agency staff in matters pertaining to  
8 Federal-tribal relations and the significance of  
9 fish and wildlife to tribal communities;

10 (F) an assessment of the effects of Federal  
11 resource management activities on tribal fish  
12 and wildlife resources; and

13 (G) a determination and documentation of  
14 the condition of tribal fish and wildlife re-  
15 sources.

16 (2) The Secretary is authorized to enter into  
17 contracts or provide grants to Indian tribal govern-  
18 ments or tribal organizations under the authority of  
19 the Indian Self-Determination and Educational As-  
20 sistance Act for the purpose of carrying out the sur-  
21 vey.

22 (3) Within one year of the date of enactment of  
23 this Act, the Secretary shall submit to the Congress  
24 a report on the results of the survey conducted  
25 under the authority of subsection (1) of this section.

1 (e) TRIBAL FISH AND WILDLIFE RESOURCE MAN-  
2 AGEMENT PLANS.—

3 (1) In order to fulfill the management objec-  
4 tives set forth in subsection (a), a tribal fish and  
5 wildlife resource management plan shall be devel-  
6 oped and implemented in the following manner:

7 (A) pursuant to a self-determination con-  
8 tract or self-governance compact under the au-  
9 thority of the Indian Self-Determination and  
10 Education Assistance Act, an Indian tribal gov-  
11 ernment may develop or implement a tribal fish  
12 and wildlife management plan.

13 (B) Subject to the provisions of subpara-  
14 graph (C), the tribal government shall have  
15 broad discretion in designing and carrying out  
16 the planning process.

17 (C) If a tribal government elects not to  
18 contract for the development or implementation  
19 of a tribal fish and wildlife management plan,  
20 the Secretary shall develop and implement the  
21 plan in consultation with the affected tribal  
22 government.

23 (D) Whether developed directly by the trib-  
24 al government or by the Secretary, the plan  
25 shall—



- 1 (i) determine the condition of fish and  
2 wildlife resources and habitat conditions;
- 3 (ii) identify specific tribal fish and  
4 wildlife resources goals and objectives;
- 5 (iii) establish management objectives  
6 for fish and wildlife resources;
- 7 (iv) define critical values of the tribal  
8 government and its members and provide  
9 for comprehensive management objectives;
- 10 (v) be developed through public meet-  
11 ings;
- 12 (vi) use the public meeting records,  
13 existing survey documents, reports, and  
14 other research from Federal agencies and  
15 tribal colleges, State or community col-  
16 leges, or other tribal education or research  
17 institutions; and
- 18 (vii) be completed within three years  
19 of the initiation of activity to establish the  
20 plan.

21 (2) Tribal fish and wildlife management plans  
22 developed and approved under this section shall gov-  
23 ern the management and administration of tribal  
24 fish and wildlife resources by the Bureau of Indian  
25 Affairs and the Indian tribal government.

1 (f) TRIBAL MANAGEMENT IN REGIONAL RESOURCE  
2 MANAGEMENT AREAS.—

3 (1) REVIEW.—To achieve the objectives set  
4 forth in section 210(a), the Secretary and the Secre-  
5 taries of Commerce and Agriculture shall review ex-  
6 isting programs involving the multi-jurisdictional  
7 management of fish, wildlife and gathering resources  
8 in regional resource management areas, for the pur-  
9 pose of determining the need for Indian representa-  
10 tion, program adequacy and staffing needs to appro-  
11 priately represent the interests of member tribes.

12 (2) CONTRACTS OR GRANTS.—The Secretary is  
13 authorized to enter into contracts or provide grants  
14 to Indian tribal governments or tribal organizations  
15 under the authority of the Indian Self-Determination  
16 and Educational Assistance Act for the purpose of  
17 completing this review.

18 (3) REPORT.—Within one year of the date of  
19 enactment of this Act, the Secretary, in consultation  
20 with the Secretaries of Commerce and Agriculture,  
21 shall submit a report to the Congress based upon  
22 the review conducted under subsection (1) of this  
23 section assessing fish and wildlife program adequacy  
24 and staff needs, and the condition of fish and wild-

1 life resources in regional resource management  
2 areas.

3 (g) ASSISTANCE.—The Secretary is authorized to  
4 provide financial and technical assistance to enable Indian  
5 tribal governments to—

6 (1) update and revise tribal codes, ordinances,  
7 and regulations governing tribal fish and wildlife re-  
8 source protection and use;

9 (2) employ tribal conservation officers, tribal  
10 fisheries and wildlife biologists, and other profes-  
11 sionals to administer Indian fish and wildlife re-  
12 source management programs;

13 (3) providing training for tribal fish and wildlife  
14 resource personnel including tribal conservation offi-  
15 cers under a curriculum that incorporates law en-  
16 forcement, fish and wildlife conservation, identifica-  
17 tion and resource management principles and tech-  
18 niques; and

19 (4) enable tribal governments and tribal con-  
20 servation agencies to enter into cooperative law en-  
21 forcement agreements, which may include provisions  
22 for additional training and cross-deputization of  
23 tribal law enforcement staff, with local, State, and  
24 Federal jurisdiction for the enforcement of laws and  
25 regulations pertaining to fish and wildlife resources.

1 (h) FEDERAL ACTIVITIES.—

2 (1) CONSULTATION AND COORDINATION.—In  
3 conducting management activities under their re-  
4 spective authorities, the Secretary, in coordination  
5 with the Secretaries of Commerce and Agriculture,  
6 shall—

7 (A) consult with and seek the participation  
8 of Indian tribal governments on matters affect-  
9 ing tribal fish and wildlife resources in a man-  
10 ner consistent with the United States trust re-  
11 sponsibility and the government-to-government  
12 relationship between Indian tribal governments  
13 and the United States;

14 (B) ensure that Federal agency staff are  
15 adequately trained in issues pertaining to im-  
16 pacts of agency actions on tribal fish and wild-  
17 life resources;

18 (C) investigate opportunities for Indian  
19 tribal governments to perform land manage-  
20 ment activities on Federal land which affect  
21 tribal fish and wildlife resources;

22 (D) develop a formal, written assessment  
23 of how Federal resource management activities  
24 are affecting tribal use of and access to tribal  
25 fish and wildlife resources; and

1 (E) include rights reserved by tribal gov-  
2 ernments in treaties with the United States in  
3 assessments of environmental baselines.

4 (2) PROTECTION OF INFORMATION.—Notwith-  
5 standing any other provision of law, the Secretary  
6 shall not disclose, nor cause the disclosure of any in-  
7 formation conveyed to an agency under the Sec-  
8 retary’s administrative responsibilities pursuant to  
9 this Act to any person, party, or entity, including  
10 other Federal agencies, that is made available to the  
11 Secretary by an Indian tribal government or a mem-  
12 ber of an Indian tribe and which is—

13 (A) related to the administration of the  
14 United States trust responsibility for Indian  
15 lands and resources; and

16 (B) declared by the tribal government or  
17 individual member of an Indian tribe to be cul-  
18 turally-sensitive, proprietary, or in any manner  
19 confidential.

20 (3) FEES AND ACCESS.—Upon the request of  
21 an Indian tribal government, the Secretary and the  
22 Secretary of Agriculture are authorized to—

23 (A) provide fish and wildlife resources to  
24 an Indian tribal government from Federal lands  
25 administered by agencies under their respective

1 administrative responsibility without permit or  
2 charge to the Indian tribe having an historical  
3 relationship to such lands, so long as—

4 (i) an agreement is entered into be-  
5 tween the Indian tribal government and  
6 the Secretary or Secretary of Agriculture  
7 which contains sufficient information and  
8 conditions regarding the location, quantity,  
9 timing, and methods associated with the  
10 provision of fish and wildlife resources to  
11 ensure compatibility with applicable agency  
12 management plans; and

13 (ii) the request does not adversely af-  
14 fect the ability of the agency to carry out  
15 its responsibilities under the applicable  
16 management plan;

17 (B) provide access to Federal lands under  
18 their respective administrative responsibility for  
19 tribal traditional cultural or customary pur-  
20 poses without permit or fee; and

21 (C) temporarily close to general public use,  
22 one or more specific portions of Federal lands  
23 under their respective administrative responsi-  
24 bility in order to protect the privacy of the ac-  
25 tivities referenced in subsection (B), provided

that any such closure shall be limited to the smallest practicable area for the minimum period necessary in a manner consistent with the purpose and intent of the American Indian Religious Freedom Act (42 U.S. C. 1996).

(4) EFFECT ON EXISTING RIGHTS.—Nothing in this section shall be construed to limit, modify, or amend existing rights of any Indian tribal government under treaty, statute, or other agreement to access and use fish and wildlife resources.

**SEC. 202. EDUCATION IN TRIBAL FISH AND WILDLIFE RESOURCE MANAGEMENT.**

(a) COOPERATIVE RESEARCH AND TRAINING PROGRAM.—

(1) The Secretary, the Secretary of Agriculture, the Secretary of Commerce, or other Federal agencies as appropriate, are authorized to enter into cooperative agreements with colleges and universities, tribal community colleges, Indian tribal governments, and tribal organizations, and with nonprofit organizations, for the establishment of cooperative research and training units.

(2) In order to facilitate the full development of research and training units and to support the educational objectives of this title, the Secretary, and

1 the Secretaries of Agriculture and Commerce, as  
2 well as other Federal agencies, shall—

3 (A) assign appropriate scientific personnel  
4 to serve at the cooperative unit, through the  
5 agreement of the cooperating parties;

6 (B) apply Indian preference in hiring poli-  
7 cies;

8 (C) provide financial assistance, including  
9 reasonable compensation, for the work of re-  
10 searchers on fish and wildlife ecology and re-  
11 source management projects funded under this  
12 Act or other authorizing legislation;

13 (D) supply equipment for the use of coop-  
14 erative unit operations;

15 (E) provide for the incidental expenses of  
16 Federal personnel and employees of cooperating  
17 tribal governments and tribal organizations as-  
18 sociated with cooperative units; and

19 (F) integrate cooperative research unit  
20 programs with the training and educational op-  
21 portunities and programs of Indian community  
22 colleges to the greatest extent possible.

23 (b) SCHOLARSHIP PROGRAM.—

24 (1) The Secretary is authorized to provide nat-  
25 ural resource management scholarships to Indians



1 enrolled as full-time students in accredited programs  
2 for post-secondary and graduate natural resource  
3 management-related fields of study.

4 (2) A natural resource management scholarship  
5 recipient shall be required to enter into an obligated  
6 service agreement in which the recipient agrees to  
7 accept employment, following the completion of the  
8 recipient's course of study, with an Indian tribal  
9 government, a tribal organization, the Bureau of In-  
10 dian Affairs, or the U.S. Fish and Wildlife Service  
11 for one year for each year the recipient receives  
12 scholarship assistance.

13 (3) The Secretary shall not deny scholarship as-  
14 sistance under this subsection solely on the basis of  
15 an applicant's scholastic achievement if the applicant  
16 has been admitted to and remains in good standing  
17 in an accredited post-secondary or graduate institu-  
18 tion.

19 (c) FISH AND WILDLIFE EDUCATION OUTREACH.—  
20 The Secretary shall conduct, with the full and active par-  
21 ticipation of Indian tribal governments, a natural resource  
22 education outreach program to explain and stimulate in-  
23 terest in all aspects of tribal natural resource management  
24 and to generate interest in natural resource management

1 careers, such as fisheries or wildlife biologists or in natural  
 2 resource management.

3 (d) POSTGRADUATE RECRUITMENT.—The Secretary  
 4 shall establish and maintain a program to attract profes-  
 5 sional Indian fish and wildlife biologists, as well as profes-  
 6 sionals in other natural resource management fields, who  
 7 have graduated from post-secondary institutions or grad-  
 8 uate schools for employment by Indian tribal governments,  
 9 tribal organizations, the Bureau of Indian Affairs, or the  
 10 U.S. Fish and Wildlife Service, in exchange for the Sec-  
 11 retary's assumption of all or a portion of the professional's  
 12 outstanding educational loans, depending upon the period  
 13 of employment.

14 (e) FISH AND WILDLIFE BIOLOGIST INTERN PRO-  
 15 GRAM.—

16 (1) The Secretary shall, with the full and active  
 17 participation of Indian tribal governments, establish  
 18 a Fish and Wildlife Resources Intern Program for at  
 19 least 20 Indian fish and wildlife resources intern po-  
 20 sitions.

21 (A) Intern positions shall be in addition to  
 22 the forester intern positions authorized in sec-  
 23 tion 314(a) of the National Indian Forest Re-  
 24 sources Management Act (25 U.S.C. 3113(a)).

1 (B) Individuals selected to participate in  
2 the intern program shall be enrolled full-time in  
3 approved post-secondary institutions or grad-  
4 uate schools in curricula leading to advanced  
5 degrees in natural resource management-related  
6 fields.

7 (C) The Secretary shall pay all costs of  
8 tuition, books, fees, and living expenses in-  
9 curred by Indian interns in natural resource  
10 management programs while attending ap-  
11 proved study programs.

12 (D) An Indian fish and wildlife resources  
13 intern shall be required to enter into an obli-  
14 gated service agreement to serve in a profes-  
15 sional fish or wildlife resources management-re-  
16 lated capacity with an Indian tribal govern-  
17 ment, a tribal organization, the Bureau of In-  
18 dian Affairs, or a U.S. Fish and Wildlife Serv-  
19 ice program serving tribal fish and wildlife re-  
20 sources management objectives, for one year for  
21 each year of education for which the Secretary  
22 assumes the intern's educational costs under  
23 subsection (2).

24 (E) An Indian fish and wildlife resources  
25 intern shall be required to report for service to

1           the employing entity during any break in the  
2           intern's course of study of more than 3 weeks  
3           duration. Time spent in such service shall be  
4           counted toward satisfaction of the intern's obli-  
5           gated service.

6           (f) COOPERATIVE EDUCATION PROGRAM.—

7           (1) The Secretary shall maintain a cooperative  
8           education program for the purpose of recruiting  
9           promising Indian students who are enrolled in sec-  
10          ondary schools, tribal colleges, community colleges,  
11          and other post-secondary institutions or graduate  
12          schools for employment as professional fisheries or  
13          wildlife biologists or other resource management re-  
14          lated professional positions with an Indian tribal  
15          government, a tribal organization, the Bureau of In-  
16          dian Affairs, or with the U.S. Fish and Wildlife  
17          Service serving or benefitting Indian lands.

18          (2) The Secretary shall pay all costs for tuition,  
19          books, and fees of an Indian student who is enrolled  
20          in a course of study at an educational institution  
21          with which the Secretary has entered into a coopera-  
22          tive agreement, and who is interested in pursuing a  
23          career with an Indian tribal government, tribal orga-  
24          nization, the Bureau of Indian Affairs, or the U.S.

1 Fish and Wildlife Service serving or benefitting In-  
2 dian lands.

3 (3) Financial need shall not be a requirement  
4 to receive assistance under the program authorized  
5 in paragraph (1).

6 (4) A recipient of assistance under the program  
7 authorized in paragraph (1) shall be required to  
8 enter into an obligated service agreement to serve as  
9 professional fish or wildlife biologist or other re-  
10 source management related professional with an In-  
11 dian tribal government, a tribal organization, the  
12 Bureau of Indian Affairs, or the U.S. Fish and  
13 Wildlife Service, for one year for each year that the  
14 Secretary assumes the recipient's educational costs  
15 pursuant to paragraph (2).

16 (g) PUBLIC EDUCATION REGARDING TRIBAL FISH  
17 AND WILDLIFE RESOURCES.—

18 (1) The Secretary is authorized to establish  
19 within the Secretary's office the position of Tribal  
20 Education Coordinator to—

21 (A) enhance communications between In-  
22 dian tribal governments and the United States  
23 relating to the management of tribal fish and  
24 wildlife resources or the role of tribal govern-

1           ments in the co-management of fish and wildlife  
2           resources; and

3                 (B) implement a program to educate the  
4           public about the sovereign status of Indian trib-  
5           al governments and the rights reserved by tribal  
6           governments in treaties with the United States,  
7           as well as the benefits of constructive relations  
8           among tribal governments, State, and local gov-  
9           ernments, and Federal agencies;

10           (2) The responsibilities and duties of the Tribal  
11       Education Coordinator shall include—

12                 (A) the development of an educational pro-  
13           gram for local and State governments and Fed-  
14           eral agencies regarding the United States obli-  
15           gations to support and implement treaties, stat-  
16           utes, executive orders and court decrees related  
17           to the management of fish and wildlife re-  
18           sources;

19                 (B) encouraging Federal agencies and  
20           State governments to establish and pursue co-  
21           operative and collaborative government-to-gov-  
22           ernment relationships with Indian tribal govern-  
23           ments in the management of natural resources;  
24           and

1 (C) providing reports to the Committee on  
2 Indian Affairs of the U.S. Senate and the Com-  
3 mittee on Resources of the U.S. House of Rep-  
4 resentatives by September 30th of each year on  
5 the progress of the Tribal Education Coordi-  
6 nator in carrying out these activities.

7 (h) ADEQUACY OF PROGRAMS.—The Secretary shall  
8 provide administrative oversight of the programs described  
9 in this section until a sufficient number of Indian per-  
10 sonnel are available to administer tribal fish and wildlife  
11 resource management programs on tribal lands and re-  
12 source management areas.

13 (i) OBLIGATED SERVICE; BREACH OF CONTRACT.—

14 (1) OBLIGATED SERVICE.—Where an individual  
15 enters into an agreement for obligated service in re-  
16 turn for financial assistance under any provision of  
17 this section, the Secretary shall promulgate such  
18 regulations as are necessary to provide for an offer  
19 of employment to the recipient of such assistance as  
20 required by such provision. Where an offer of em-  
21 ployment is not reasonably made, the regulations  
22 shall provide that such service shall no longer be re-  
23 quired.

24 (2) BREACH OF CONTRACT.—Where an indi-  
25 vidual fails to accept a reasonable offer of employ-

1       ment in fulfillment of such obligated service or un-  
2       reasonably terminates or fails to perform the duties  
3       of such employment, the Secretary shall require a  
4       repayment of the financial assistance provided to the  
5       individual by the Secretary, pro rated for the  
6       amount of time of obligated service that was per-  
7       formed, together with interest on such amount which  
8       would be payable if at the time the amounts were  
9       paid, they were loans bearing interest at the max-  
10      imum legal prevailing rate, as determined by the  
11      Secretary of the Treasury.

12 **SEC. 203. TRIBAL FISH HATCHERY ASSISTANCE PROGRAM.**

13       (a) PROGRAM.—The Secretary, in consultation with  
14      the Secretary of Commerce, and with the full and active  
15      participation of Indian tribal governments, shall establish  
16      and administer a Tribal Fish Hatchery Assistance pro-  
17      gram for the production and distribution of fish of the  
18      species, strain, number, size, and quality to assist Indian  
19      tribal governments to develop tribal hatcheries and en-  
20      hance fishery resources on tribal lands to meet tribal re-  
21      source needs, including but not limited to tribal subsist-  
22      ence, ceremonial and commercial fishery needs.

23       (b) REPORT.—Within one year of the date of enact-  
24      ment of this Act, the Secretary, in consultation with the  
25      Secretary of Commerce, and with the full and active par-



1 participation of Indian tribal governments, shall submit a re-  
2 port to the Congress which shall—

3 (1) identify the facilities that comprise the  
4 Tribal Fish Hatchery Program;

5 (2) the maintenance, rehabilitation, and the  
6 construction needs of such facilities;

7 (3) identify criteria and procedures to be used  
8 in evaluating and ranking fish hatchery maintenance  
9 and rehabilitation project proposals submitted by In-  
10 dian tribal governments; and

11 (4) provide a plan for the administration and  
12 cost-effective operation of the Tribal Fish Hatchery  
13 Assistance Program.

14 (c) CONTRACTS.—The Secretary, and the Secretary  
15 of Commerce, are authorized to enter into a contract or  
16 annual funding agreement under the authority of the In-  
17 dian Self-Determination and Educational Assistance Act  
18 with an Indian tribal government to plan, conduct, and  
19 administer the Tribal Fish Hatchery Program, or any por-  
20 tion of the Program.

21 (d) FISH HATCHERY OPERATING AGREEMENTS.—  
22 Upon the petition of an Indian tribal government or a trib-  
23 al organization seeking to co-manage a facility or complex  
24 of facilities, the Secretary, and the Secretary of Com-  
25 merce, are authorized to enter into agreements with enti-

1 ties owning or operating hatcheries defined under section  
 2 103(5)(B) of this Act and an Indian tribal government  
 3 or tribal organization which provides for the manner in  
 4 which each hatchery facility is to be operated so as to miti-  
 5 gate or recover tribal fish resources subject to rights re-  
 6 served by the tribal government in treaties with the United  
 7 States.

## 8 **TITLE III—ALASKA NATIVE FISH** 9 **AND WILDLIFE PROGRAMS**

### 10 **SEC. 301. DEFINITIONS.**

11 For purposes of this title—

12 (1) the term “Alaska Native” means a citizen  
 13 of the United States who is a person of one-fourth  
 14 degree or more Alaska Indian (including Tsimshian  
 15 Indians not enrolled in the Metlakatla Indian Com-  
 16 munity) Eskimo, or Aleut blood, or combination  
 17 thereof, including, in the absence of proof of a min-  
 18 imum blood quantum, any citizen of the United  
 19 States who is regarded as an Alaska Native by the  
 20 Native village or Native group of which he claims to  
 21 be a member and whose father or mother is, or, if  
 22 deceased, was regarded as an Alaska Native by any  
 23 village or group, as defined in section 1602(b) of the  
 24 Alaska Native Claims Settlement Act;

1           (2) the term “Native village” means “any tribe,  
2       band, clan, group, village, community, or association  
3       in the State of Alaska listed in sections 1610 and  
4       1615 of this title, and which the Secretary deter-  
5       mines was, on the 1970 census enumeration date,  
6       composed of twenty-five or more Natives” as defined  
7       in section 1602(c) of the Alaska Native Claims Set-  
8       tlement Act;

9           (3) the term “Regional Corporation” means an  
10      Alaska Native Regional Corporation established  
11      under the laws of the State of Alaska as defined in  
12      section 1602(g) of the Alaska Native Claims Settle-  
13      ment Act;

14          (4) the term “Village Corporation” means an  
15      Alaska Native Village Corporation organized under  
16      the laws of the State of Alaska as a business for  
17      profit or non-profit corporation to hold, invest, man-  
18      age, and/or distribute lands, property, funds, and  
19      other rights and assets for and in behalf of a Native  
20      Village as defined in section 1602(j) of the Alaska  
21      Native Claims Settlement Act; and

22          (5) the term “Alaska Native fish and wildlife  
23      organization” means a commission, authority or  
24      other entity chartered for the primary purpose of as-

1       sisting in the development of tribal natural resource  
 2       management capacity and technical capabilities.

3   **SEC. 302. MANAGEMENT OF ALASKA NATIVE TRIBAL GOV-**  
 4                   **ERNMENT INDIAN FISH AND WILDLIFE RE-**  
 5                   **SOURCE MANAGEMENT PROGRAMS IN ALAS-**  
 6                   **KA.**

7       (a) **MANAGEMENT OBJECTIVES.**—Consistent with  
 8       provisions of the Indian Self-Determination and Edu-  
 9       cational Assistance Act (25 U.S.C. 450b et seq.), the Sec-  
 10      retary shall support tribal administration of Indian fish  
 11      and wildlife resource management activities to achieve the  
 12      following objectives:

13           (1) To carry out the government-to-government  
 14      relationship between Indian tribal governments and  
 15      the United States in the management of Indian fish  
 16      and wildlife resources.

17           (2) To provide for the development and en-  
 18      hancement of the capacity of Indian tribal govern-  
 19      ments to participate in management of Indian fish  
 20      and wildlife resources.

21           (3) To protect, conserve and enhance Indian  
 22      fish and wildlife resources.

23           (4) To promote the development and use of In-  
 24      dian fish and wildlife resources for the maximum  
 25      benefit of Alaska Native people, by managing Indian

1 fish and wildlife resources in accordance with trib-  
2 ally-developed integrated resource management plans  
3 which provide for the cooperative management of all  
4 natural resources within tribal lands.

5 (5) To selectively develop and increase produc-  
6 tion of certain Indian fish and wildlife resources.

7 (6) To support the inclusion of Alaska Native  
8 tribal co-management or cooperative activities in  
9 local, regional, State, national, or international deci-  
10 sion-making processes and forums.

11 (7) To develop and increase the production of  
12 fish, wildlife and gathering resources so as to better  
13 meet Alaska Native subsistence, ceremonial, rec-  
14 reational and commercial needs.

15 (b) MANAGEMENT PROGRAM.—

16 (1) In order to achieve the objectives set forth  
17 in subsection (a), the Secretary, in full consultation  
18 with Indian tribal governments and Alaska Native  
19 fish and wildlife organizations, shall establish the  
20 Alaska Native Fish and Wildlife Resource Manage-  
21 ment Program which shall be administered con-  
22 sistent with the provisions of the Indian Self-Deter-  
23 mination and Educational Assistance Act (25 U.S.C.  
24 450b et seq.).

1           (2) The Secretary shall promote meaningful In-  
2       dian tribal government involvement in the manage-  
3       ment of Indian fish and wildlife resources, and im-  
4       plementation of this Act, through contracts, com-  
5       pacts, cooperative agreements, or grants under the  
6       Indian Self-Determination and Educational Assist-  
7       ance act (25 U.S.C. 450b et seq.), or other Federal  
8       laws.

9           (3) Upon the request of an Indian tribal gov-  
10      ernment or Alaska Native fish and wildlife organiza-  
11      tion, the Secretary shall enter into a contract, com-  
12      pact, cooperative agreement, or a grant under the  
13      Indian Self-Determination and Educational Assist-  
14      ance Act with the Indian tribal government or Alas-  
15      ka Native fish and wildlife organization to plan, con-  
16      duct, or administer any program of the Department  
17      of the Interior, or portion thereof, which affects In-  
18      dian fish and wildlife resources, and which is cur-  
19      rently administered by the Secretary without regard  
20      to the agency or office of the Department of the In-  
21      terior or the organizational level within the Depart-  
22      ment.

23           (4) Upon the request of an Indian tribal gov-  
24      ernment or Alaska Native fish and wildlife organiza-  
25      tion, the Secretary shall enter into a cooperative

1       agreement with the tribal government or Alaska Na-  
2       tive fish and wildlife organization to address man-  
3       agement issues affecting Indian fish and wildlife re-  
4       sources.

5       (c) MANAGEMENT ACTIVITIES.—Indian fish and  
6       wildlife resource management activities carried out under  
7       the program established in subsection (b) may include, but  
8       shall not be limited to:

9               (1) the conduct of fish and wildlife population  
10       and life history investigations, habitat investigations,  
11       habitat mitigation, enhancement, rehabilitation and  
12       restoration projects and programs, harvest manage-  
13       ment, and use studies;

14              (2) the development and implementation of in-  
15       tegrated resource management plans for tribal lands  
16       or traditional use areas;

17              (3) fish and other aquatic species production  
18       and hatchery management;

19              (4) the development, implementation, and en-  
20       forcement of Indian tribal government fish and wild-  
21       life codes, ordinances, and regulations;

22              (5) the development of Indian tribal govern-  
23       ment conservation programs, including employment  
24       and training of tribal conservation enforcement offi-  
25       cers;

1 (6) judicial services;

2 (7) public use and information management  
3 and general administration; and

4 (8) participation in joint or cooperative man-  
5 agement of fish and wildlife resources on a regional  
6 basis with Federal, State, tribal, and local or inter-  
7 national authorities.

8 (d) SURVEY AND REPORT.—

9 (1) Upon the request of an Indian tribal gov-  
10 ernment, the Secretary shall cause to be conducted  
11 a survey of the traditional use area of that tribal  
12 government, which shall include but not be limited  
13 to:

14 (A) a review of existing Indian tribal gov-  
15 ernment codes, ordinances, and regulations gov-  
16 erning their members and others in relation to  
17 the management of Indian fish and wildlife re-  
18 sources;

19 (B) an assessment of the need to update  
20 and revise Indian tribal government codes, ordi-  
21 nances, and regulations governing Indian fish  
22 and wildlife resource protection and use;

23 (C) a determination and documentation of  
24 the needs for tribal conservation officers, tribal  
25 fisheries and wildlife biologists, tribal fisheries



1 and wildlife technicians, and other professionals  
2 to administer and implement Indian fish and  
3 wildlife resources management programs;

4 (D) an assessment of the need to provide  
5 training to and develop curricula for tribal fish  
6 and wildlife resource personnel, including tribal  
7 conservation officers, tribal fisheries and wild-  
8 life biologists, tribal fisheries and wildlife tech-  
9 nicians, and other professionals to administer  
10 and implement tribal fish and wildlife resource  
11 management programs. Such curricula shall in-  
12 clude the incorporation of traditional ecological  
13 knowledge as well as the traditional;

14 (E) an assessment of the need for training  
15 of Federal agency staff in matters pertaining to  
16 the relations between the United States and In-  
17 dian tribes and the significance of Indian fish  
18 and wildlife to Native villages;

19 (F) an assessment of the effects of Federal  
20 and State resource management activities on  
21 Indian fish, and wildlife resources; and

22 (G) a determination and documentation of  
23 the condition of those Indian fish and wildlife  
24 resources.

1           (2) The Secretary is authorized to enter into  
2       contracts, compacts, or provide grants to Indian  
3       tribal governments or Alaska Native fish and wildlife  
4       organizations under the authority of the Indian Self-  
5       Determination and Educational Assistance Act for  
6       the purpose of carrying out the survey.

7           (3) Within one year of the date of enactment of  
8       this Act, the Secretary shall submit to the Congress  
9       a report on the results of the survey conducted  
10      under the authority of subsection (1) of this section.

11      (e) INDIAN FISH AND WILDLIFE RESOURCE MAN-  
12      AGEMENT PLANS.—

13           (1) In order to fulfill the management objec-  
14      tives set forth in subsection (a), an Indian fish and  
15      wildlife resource management plan shall be devel-  
16      oped and implemented in the following manner:

17           (A) Pursuant to a self-determination con-  
18      tract or self-governance compact under the au-  
19      thority of the Indian Self-Determination and  
20      Education Assistance Act, an Indian tribal gov-  
21      ernment or an Alaska Native fish and wildlife  
22      organization may develop or implement an In-  
23      dian fish and wildlife management plan.

24           (B) Subject to the provisions of subpara-  
25      graph (C), the Indian tribal government shall

1 have broad discretion in designing and carrying  
2 out the planning process.

3 (C) If an Indian tribal government elects  
4 not to contract for the development or imple-  
5 mentation of a tribal fish and wildlife manage-  
6 ment plan, the Secretary shall develop and im-  
7 plement the plan in consultation with the af-  
8 fected tribal government.

9 (D) Whether developed directly by the trib-  
10 al government or by the Secretary, the plan  
11 shall—

12 (i) determine the condition of Indian  
13 fish and wildlife resources and habitat con-  
14 ditions;

15 (ii) identify specific Indian fish and  
16 wildlife resources goals and objectives;

17 (iii) establish cooperative management  
18 objectives for Indian fish and wildlife re-  
19 sources;

20 (iv) define critical values of the Indian  
21 tribal government and its members and  
22 provide for comprehensive management ob-  
23 jectives;

24 (v) be developed through a public  
25 meeting process;

1 (vi) apply the public meeting records,  
 2 existing survey documents, reports, and  
 3 other research from Federal and State  
 4 agencies, community colleges, or other edu-  
 5 cation or research institutions; and

6 (vii) be completed within three years  
 7 of the initiation of activity to establish the  
 8 plan.

9 (2) An Indian fish and wildlife management  
 10 plan developed and approved under this section shall  
 11 govern the management and administration of In-  
 12 dian fish and wildlife resources by the Bureau of In-  
 13 dian Affairs and the tribal government.

14 (f) TRIBAL MANAGEMENT IN TRADITIONAL USE  
 15 AREAS.—

16 (1) REVIEW.—To achieve the objectives set  
 17 forth in section 302(a), the Secretary and the Secre-  
 18 taries of Commerce and Agriculture shall review ex-  
 19 isting programs involving the management of Indian  
 20 fish and wildlife resources in the traditional use  
 21 areas of Indian tribal governments, for the purpose  
 22 of determining the need for the meaningful involve-  
 23 ment of tribal governments, program adequacy, and  
 24 staffing needs to appropriately represent the inter-  
 25 ests of tribal governments.

1           (2) CONTRACTS OR GRANTS.—The Secretary is  
2           authorized to enter into contracts, compacts, or pro-  
3           vide grants to Indian tribal governments or Alaska  
4           Native fish and wildlife organizations under the au-  
5           thority of the Indian Self-Determination and Edu-  
6           cational Assistance Act for the purpose of com-  
7           pleting this review.

8           (3) REPORT.—Within one year of the date of  
9           enactment of this Act, the Secretary, in consultation  
10          with the Secretaries of Commerce and Agriculture,  
11          shall submit a report to the Congress based upon  
12          the review conducted under subsection (1) of this  
13          section assessing fish and wildlife program adequacy  
14          and staff needs, and the condition of Indian fish and  
15          wildlife resources in the traditional use areas of trib-  
16          al governments.

17          (g) ASSISTANCE.—The Secretary is authorized to  
18          provide financial and technical assistance to enable Indian  
19          tribal governments to—

20                (1) update and revise tribal government codes,  
21                ordinances, and regulations governing Indian fish  
22                and wildlife resource protection and use;

23                (2) employ tribal conservation officers, tribal  
24                fisheries and wildlife biologists, tribal fish and wild-  
25                life technicians, and other professionals to admin-

1       ister and implement Indian fish and wildlife resource  
2       management programs;

3           (3) provide training for tribal fish and wildlife  
4       resource personnel including tribal conservation offi-  
5       cers under a curriculum that incorporates law en-  
6       forcement, fish and wildlife conservation, identifica-  
7       tion and resource management principles and tech-  
8       niques. Such curricula shall also include the incorpo-  
9       ration of traditional ecological knowledge as well as  
10      the traditional management strategies and tech-  
11      niques of Alaska Native people; and

12          (4) enable tribal governments and Alaska Na-  
13      tive fish and wildlife organizations to enter into co-  
14      operative law enforcement agreements, which may  
15      include provisions for additional training and cross-  
16      deputization of tribal law enforcement staff, with  
17      local, State and Federal jurisdiction for the enforce-  
18      ment of laws and regulations pertaining to Indian  
19      fish and wildlife resources.

20      (h) FEDERAL ACTIVITIES.—

21          (1) CONSULTATION AND COORDINATION.—In  
22      conducting management activities under their re-  
23      spective authorities, the Secretary, in coordination  
24      with the Secretaries of Commerce and Agriculture,  
25      shall—

1 (A) consult with and seek the participation  
2 of Indian tribal governments on all matters af-  
3 fecting Indian fish and wildlife resources in a  
4 manner consistent with the United States trust  
5 responsibility,

6 (B) ensure that Federal agency staff are  
7 adequately trained in issues pertaining to im-  
8 pacts of agency actions on Indian fish and wild-  
9 life resources;

10 (C) investigate opportunities for Indian  
11 tribal governments to perform cooperative land  
12 management activities on Federal and other  
13 lands that affect Indian fish and wildlife re-  
14 sources; and

15 (D) develop a formal, written assessment  
16 of how Federal resource management activities  
17 are affecting tribal use of and access to Indian  
18 fish and wildlife resources and the traditional  
19 use areas of Indian tribal governments.

20 (2) PROTECTION OF INFORMATION.—Notwith-  
21 standing any other provision of law, the Secretary  
22 shall not disclose, nor cause the disclosure of any in-  
23 formation conveyed to an agency under the Sec-  
24 retary's administrative responsibilities pursuant to  
25 this Act to any person, party, or entity, including

1 other Federal agencies, that is made available to the  
2 Secretary by an Indian tribal government or a mem-  
3 ber of an Indian tribe and which is—

4 (A) related to the administration of the  
5 United States trust responsibility for Indian  
6 lands and resources; and

7 (B) declared by the tribal government or  
8 individual member of an Indian tribe to be cul-  
9 turally-sensitive, proprietary, or in any manner  
10 confidential.

11 (3) FEES AND ACCESS.—Upon the request of  
12 an Indian tribal government, the Secretary and the  
13 Secretary of Agriculture are authorized to—

14 (A) provide fish and wildlife resources to  
15 an Indian tribal government from Federal lands  
16 administered by agencies under their respective  
17 administrative responsibility without permit or  
18 charge to the Indian tribe having an historical,  
19 cultural, or geographical relationship to such  
20 lands, so long as—

21 (i) an agreement is entered into be-  
22 tween the Indian tribal government and  
23 the Secretary or Secretary of Agriculture  
24 which contains sufficient information and  
25 conditions regarding the location, quantity,



1 timing, and methods associated with the  
2 provision of Indian fish and wildlife re-  
3 sources to ensure compatibility with appli-  
4 cable agency management plans; and

5 (ii) the request does not adversely af-  
6 fect the ability of the agency to carry out  
7 its responsibilities under the applicable  
8 management plan;

9 (B) provide access to Federal lands under  
10 their respective administrative responsibility for  
11 tribal traditional cultural or customary pur-  
12 poses without permit or fee; and

13 (C) temporarily close to general public use,  
14 one or more specific portions of Federal lands  
15 under their respective administrative responsi-  
16 bility in order to protect the privacy of the ac-  
17 tivities referenced in subsection (B), provided  
18 that any such closure shall be limited to the  
19 smallest practicable area for the minimum pe-  
20 riod necessary in a manner consistent with the  
21 purpose and intent of the American Indian Re-  
22 ligious Freedom Act (42 U.S.C. 1996).

23 (4) EFFECT ON EXISTING RIGHTS.—Nothing in  
24 this section shall be construed to limit, modify, or  
25 amend existing rights of any Indian tribal govern-

1       ment under statute or other agreement to access and  
2       use Indian fish and wildlife resources.

3   **SEC. 303. ALASKA NATIVE TRIBAL GOVERNMENT SEAFOOD**  
4                   **AND RESOURCE MARKETING ASSISTANCE**  
5                   **PROGRAM.**

6       (a) The Secretary of Commerce shall establish an  
7   Alaska Native Seafood and Resource Marketing Assist-  
8   ance Program to enable participating Indian tribal govern-  
9   ments and Alaska Native fish and wildlife organizations  
10  to develop the necessary infrastructure and marketing sys-  
11  tems to effectively promote their products domestically  
12  and internationally.

13      (b) Within one year of the date of enactment of this  
14  Act, working with participating Indian tribal governments,  
15  the Secretary of Commerce shall develop and submit a re-  
16  port to the Committee on Indian Affairs of the U.S. Sen-  
17  ate and the Committee on Resources of the U.S. House  
18  of Representatives, that contains recommendations for  
19  legislation to provide subsidies and other Federal support,  
20  permissive taxing and coordinated training, promotions,  
21  and Alaska Native Tribal product labeling as well as other  
22  initiatives, that hold the potential to significantly enhance  
23  the ability of tribal governments to assure that fair and  
24  equitable prices are associated with seafood, bison, rein-

1 deer, muskox, yak, and other produced and harvested nat-  
 2 ural resources related products.

3 (c) Within one year of the date of enactment of this  
 4 Act, the U.S. Food and Drug Administration, in consulta-  
 5 tion with Indian tribal governments, shall prepare a report  
 6 to the Committee on Indian Affairs of the U.S. Senate  
 7 and the Committee on Resources of the U.S. House of  
 8 Representatives, that contains recommendations for legis-  
 9 lation that would enable Indian tribal governments to be  
 10 recognized as competent processing authorities as well as  
 11 recommendations for the provision of technical assistance  
 12 to tribal enterprises so as to ensure that seafood, buffalo,  
 13 reindeer, muskox, yak, and other harvested natural re-  
 14 source products are safe for consumption.

## 15 **TITLE IV—TRIBAL SEAFOOD AND** 16 **RESOURCE MARKETING AS-** 17 **SISTANCE PROGRAM**

### 18 **SEC. 401. ESTABLISHMENT.**

19 (a) The Secretary of Commerce shall establish a Trib-  
 20 al Seafood and Resource Marketing Assistance Program  
 21 to enable participating Indian tribal governments and trib-  
 22 al organizations to develop the necessary infrastructure  
 23 and marketing systems to effectively promote their prod-  
 24 ucts domestically and internationally.

1       (b) Within one year of the date of enactment of this  
2 Act, working with participating Indian tribal governments,  
3 the Secretary of Commerce shall develop and submit a re-  
4 port to the Committee on Indian Affairs of the U.S. Sen-  
5 ate and the Committee on Resources of the U.S. House  
6 of Representatives, that contains recommendations for  
7 legislation to provide subsidies and other Federal support,  
8 permissive taxing and coordinated training and pro-  
9 motions, as well as other initiatives, that hold the potential  
10 to significantly enhance the ability of tribal governments  
11 to assure that fair and equitable prices are associated with  
12 harvested natural resources and seafood products.

13       (c) Within one year of the date of enactment of this  
14 Act, the U.S. Food and Drug Administration, in consulta-  
15 tion with Indian tribal governments, shall prepare a report  
16 to the Committee on Indian Affairs of the U.S. Senate  
17 and the Committee on Resources of the U.S. House of  
18 Representatives, that contains recommendations for legis-  
19 lation that would enable Indian tribal governments to be  
20 recognized as competent processing authorities as well as  
21 recommendations for the provision of technical assistance  
22 to tribal enterprises so as to ensure that seafood and other  
23 harvested natural resource products are safe for consump-  
24 tion.

25       (d) Health Issues. [to be developed]

1 **SEC. 402. MARKETING DEVELOPMENT GRANTS AND LOAN**  
2 **PROGRAM. [to be developed]**

3 (a) GRANTS FOR MARKET RESEARCH AND PILOT  
4 PROGRAMS.

5 (b) LOANS FOR INFRASTRUCTURE DEVELOPMENT.

6 **TITLE V—TRIBAL BISON CON-**  
7 **SERVATION AND MANAGE-**  
8 **MENT [to be developed]**

9 **TITLE VI—MISCELLANEOUS**  
10 **PROVISIONS**

11 **SEC. 601. REGULATIONS.**

12 Except as otherwise provided by this Act, the Sec-  
13 retary shall promulgate final regulations for the imple-  
14 mentation of this Act within 18 months of the date of en-  
15 actment of this Act with the full and active participation  
16 of Indian tribal governments.

17 **SEC. 602. SEVERABILITY.**

18 If any section or provision of this Act is held invalid,  
19 it is the intent of the Congress that the remaining sections  
20 or provisions shall continue in full force and effect.

21 **SEC. 603. SAVINGS.**

22 (a) Nothing in this Act shall be construed to—

23 (1) diminish or expand the United States trust  
24 responsibility for tribal fish and wildlife resources, or  
25 any legal obligation or remedy arising out of the  
26 United States trust responsibility;

1           (2) alter, abridge, repeal, or affect any valid,  
2       existing agreement between an agency of the United  
3       States and an Indian tribal government;

4           (3) alter, abridge, diminish, repeal, or affect the  
5       reserved rights of any Indian tribal government es-  
6       tablished by treaty, executive order, or other applica-  
7       ble laws or court decrees.

8       **TITLE VII—AUTHORIZATION OF**  
9       **APPROPRIATIONS**

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

