

Calendar No. 550

103^D CONGRESS
2^D SESSION

S. 1526

[Report No. 103-329]

A BILL

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

AUGUST 10 (legislative day, AUGUST 8), 1994

Reported with an amendment

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, SEPTEMBER 27), 1993

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

AUGUST 10 (legislative day, AUGUST 8), 1994

Reported by Mr. INOUE, with an amendment

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

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 SHORT TITLE AND TABLE OF CONTENTS

4 SECTION 1. (a) SHORT TITLE.—This Act may be
5 cited as the “Indian Fish and Wildlife Resources Manage-
6 ment Act of 1993”.

1 (b) TABLE OF CONTENTS.—

TITLE I—GENERAL PROVISIONS

- Sec. 101. Findings
- Sec. 102. Purpose.
- Sec. 103. Definitions.

TITLE II—INDIAN FISH AND WILDLIFE PROGRAMS

- Sec. 201. Management of Indian Fish, Wildlife and Gathering Resources.
- Sec. 202. Education in Indian Fish and Wildlife Resource Management.
- Sec. 203. Indian Fish Hatchery Assistance Program.

TITLE III—INDIAN BISON CONSERVATION AND MANAGEMENT

- Sec. 301. Indian Bison Conservation Program.
- Sec. 302. Indian Bison Ranching Demonstration Projects.

TITLE IV—NATIVE HAWAIIAN COMMUNITY-BASED FISHERIES
DEMONSTRATION PROJECTS

- Sec. 401. Findings.
- Sec. 402. Purposes.
- Sec. 403. Definitions.
- Sec. 404. Native Hawaiian Community-Based Fisheries Demonstration
Projects.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Regulations.
- Sec. 602. Severability.
- Sec. 603. Trust Responsibility.
- Sec. 604. Treaty Obligations.

2 TITLE I—GENERAL PROVISIONS

3 FINDINGS

4 SEC. 101. The Congress finds and declares that—

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

7 (2) the United States has a trust responsibility
8 to protect, conserve, and manage Indian fish and
9 wildlife and gathering resources consistent with the
10 treaty rights of Indian tribes;

1 (3) the United States trust responsibility ex-
2 tends to all Federal agencies and departments and
3 absent a clear expression of congressional intent to
4 the contrary, the United States has a duty to admin-
5 ister Federal fish and wildlife conservation laws in
6 a manner consistent with its fiduciary obligation to
7 honor and protect the treaty rights of Indian tribes;

8 (4) Federal statutes and regulations affecting
9 Indian fish and wildlife resources and tribal resource
10 management activities shall be interpreted in accord-
11 ance with the trust responsibility set forth in this
12 Act;

13 (5) fish and wildlife resources located on Indian
14 lands, in adjacent regional resource management
15 areas, and on ceded territory on which treaty rights
16 have been retained continue to provide sustenance,
17 cultural enrichment, and economic support for In-
18 dian tribes, and support the maintenance of eco-
19 nomic stability by enabling gainful employment in
20 resource management occupations;

21 (6) Indian tribal governments retain jurisdic-
22 tion over hunting and fishing activities on Indian
23 lands;

24 (7) Indian tribal governments serve as co-man-
25 agers of fish and wildlife resources with other tribal

1 governments, State governments and the Federal
2 government, sharing management responsibilities for
3 fish and wildlife resources as a function of treaties,
4 statutes, and judicial decrees;

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

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

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

18 (11) Indian fish and wildlife programs contrib-
19 ute significantly to the conservation and enhance-
20 ment of fish, wildlife and gathering resources, in-
21 cluding those resources which are classified as
22 threatened and endangered;

23 (12) Federal, State, and tribal fish hatcheries
24 produce tens of millions of salmon, steelhead, wall-
25 eye and other fish species annually, benefitting both

1 Indian and non-Indian sport and commercial fish-
2 eries in the United States and Canada, and serving
3 Indian subsistence and ceremonial needs;

4 (13) comprehensive and improved management
5 of Indian fish and wildlife resources will yield great-
6 er economic returns, enhance Indian self-determina-
7 tion, strengthen tribal self-governance, promote em-
8 ployment opportunities, and improve the social, cul-
9 tural and economic well-being of Indian and neigh-
10 boring communities;

11 (14) amongst the wildlife resources upon which
12 Indian people have traditionally relied for a principle
13 source of subsistence is the American bison, a pri-
14 mary wildlife specie of the Great Plains ecosystem
15 which continues to contribute spiritual, cultural, and
16 economic benefits to many Indian tribes through
17 tribal bison ranching activities;

18 (15) the United States has an obligation to pro-
19 vide assistance to Indian tribes to—

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

1 ing rights and the United States' trust responsibility
2 to honor Indian treaty rights and protect Indian re-
3 sources;

4 (3) to support the Federal policy of Indian self-
5 determination and tribal self-governance by authoriz-
6 ing and encouraging government-to-government rela-
7 tions and cooperative agreements amongst Federal,
8 State, local and tribal governments, as well as inter-
9 national agencies and commissions responsible for
10 multi-jurisdictional fish and wildlife resource deci-
11 sion making;

12 (4) to authorize and establish Indian bison
13 ranching demonstration projects that may be admin-
14 istered by Indian tribal governments pursuant to the
15 Indian Self-Determination and Education Act to
16 meet tribal bison ranching and management needs,
17 and to train Indian people in bison management
18 techniques;

19 (5) to authorize and establish an Indian Fish
20 Hatchery Assistance Program that may be adminis-
21 tered by Indian tribal governments pursuant to the
22 Indian Self-Determination and Education Act to
23 meet Indian hatchery needs and fulfill tribal co-man-
24 agement responsibilities; and

1 (5) The term “Indian fish hatchery” means any
2 single- or multi-purpose facility which is engaged in
3 the spawning, hatching, rearing, holding, caring for
4 or stocking of fish including related research and di-
5 agnostic fish health facilities and which is—

6 (A) owned or operated by an Indian tribe
7 or the Bureau of Indian Affairs, or by the
8 United States Fish and Wildlife Service on In-
9 dian lands, or

10 (B) is owned or operated by a government
11 agency pursuant to Federal statute and has as
12 a purpose, the mitigation or recovery of fish re-
13 sources subject to treaty rights as determined
14 by a federal court.

15 (6) The term “fish hatchery maintenance”
16 means work that is required at periodic intervals to
17 prolong the life of a fish hatchery and its compo-
18 nents and associated equipment, and to prevent the
19 need for premature replacement or repair.

20 (7) The term “fish hatchery rehabilitation”
21 means noncyclical work that is required to address
22 the physical deterioration and functional obsoles-
23 cence of a fish hatchery building, structure or other
24 facility component, or to repair damage resulting
25 from aging, natural phenomena and other causes, in-

1 eluding work to repair, modify, or improve facility
2 components to enhance their original function, the
3 application of technological advances, and the re-
4 placement or acquisition of capital equipment, such
5 as, among others, fish distribution tanks, vehicles,
6 and standby generators.

7 (8) The term “forest land management activ-
8 ity” has the same meaning given to such term by
9 section 304(4) of the Indian Forest Resources Man-
10 agement Act (25 U.S.C. 3103(4)).

11 (9) The term “Indian” means a member of an
12 Indian tribe as defined in section 4 of the Indian
13 Self-Determination and Education Assistance Act
14 (25 U.S.C. 450b).

15 (10) The term “Indian fish and wildlife organi-
16 zation” means a tribal or multi-tribal commission,
17 authority, or other body for the purpose of rep-
18 resenting or coordinating tribal interests in pursuing
19 resource management or rights protection goals and
20 strategies.

21 (11) The term “Indian fish and wildlife re-
22 source” means any species of animal or plant life for
23 which Indians have a right to fish, hunt, trap or
24 gather for subsistence, ceremonial, recreational or
25 commercial purposes, or for which an Indian tribal

1 government has management or co-management re-
2 sponsibilities.

3 (12) The term "Indian lands" means all lands
4 within the limits of any Indian reservation, public
5 domain Indian allotments, all other lands title to
6 which is either held in trust by the United States for
7 the benefit of any Indian tribe or individual or held
8 by any Indian tribe or individual subject to a restric-
9 tion by the United States against alienation, all de-
10 pendent Indian communities, and all land owned by
11 an Indian tribe, including land owned by an Alaska
12 Native village or an Alaska Native corporation.

13 (13) The term "Indian reservation" means res-
14 ervations established pursuant to treaties, Acts of
15 Congress or Executive orders, public domain Indian
16 allotments, and Indian lands in the State of Okla-
17 homa.

18 (14) The term "Indian tribe" means any Indian
19 tribe, band, nation, rancheria, pueblo, or other orga-
20 nized dependent Indian group or community which
21 is recognized as eligible for the special programs and
22 services provided by the United States to Indians be-
23 cause of their status as Indians.

24 (15) The term "integrated resource manage-
25 ment plan" means the plan developed pursuant to

1 the process used by tribal governments to assess
2 available resources and to provide identified com-
3 prehensive management objectives that include qual-
4 ity of life, production goals and landscape descrip-
5 tions of all designated resources that may include,
6 but are not limited to, water, fish, wildlife, forestry,
7 agriculture, minerals, and recreation, as well as com-
8 munity and municipal resources, and may include
9 any previously adopted tribal codes and plans related
10 to such resources.

11 (16) The term “regional resource management
12 areas” means those areas in which an Indian tribe
13 has a right to fish, hunt, gather or trap for subsist-
14 ence, ceremonial or commercial purposes, or in
15 which an Indian tribe has management or co-man-
16 agement responsibilities.

17 (17) The term “resource management activi-
18 ties” means all activities performed in managing In-
19 dian fish, wildlife, gathering, and related outdoor
20 recreation and resources; including, but not limited
21 to—

22 (A) implementation and enforcement of
23 tribal fish and wildlife codes, ordinances, and
24 regulations;

1 (B) development of integrated resource
2 management plans for Indian lands or regional
3 resource management areas, surveys, or inven-
4 tories;

5 (C) population and life history investiga-
6 tions;

7 (D) harvest management and use studies;

8 (E) fish production and hatchery manage-
9 ment;

10 (F) judicial services;

11 (G) co-management activities with federal,
12 state, local or tribal governments or inter-
13 national agencies;

14 (H) public use management;

15 (I) information management;

16 (J) public relations and general adminis-
17 tration;

18 (K) mitigation for habitat loss; and

19 (L) rehabilitation, restoration and en-
20 hancement of fish and wildlife habitat.

21 The term “resource management activities”
22 does not include forest land or agricultural manage-
23 ment activities.

24 (18) The term “Secretary” means the Secretary
25 of the Interior.

1 fish and wildlife resource management activities to achieve
2 the following objectives:

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

7 (2) To protect Indian hunting, fishing, and
8 gathering rights guaranteed to Indian tribes by the
9 United States through treaty, statute, Executive
10 order, or court decree.

11 (3) To provide for the development and en-
12 hancement of the capacities of Indian tribal govern-
13 ments to manage Indian fish and wildlife resources.

14 (4) To protect, conserve and enhance Indian
15 fish and wildlife resources that are important to the
16 subsistence, cultural enrichment, and economic de-
17 velopment of Indian communities.

18 (5) To promote the development and use of In-
19 dian fish and wildlife resources for the maximum
20 benefit of Indian people, by managing Indian re-
21 sources in accordance with tribally-developed inte-
22 grated resource management plans which provide co-
23 ordination for the comprehensive management of all
24 natural resources.

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

3 (7) To authorize and support tribal co-manage-
4 ment or cooperative activities in local, regional, na-
5 tional or international decision-making processes and
6 forums.

7 (8) To develop and increase production of fish,
8 wildlife and bison resources so as to better meet In-
9 dian subsistence, ceremonial, recreational and com-
10 mercial needs.

11 (b) MANAGEMENT PROGRAM.—(1) In order to
12 achieve the objectives set forth in subsection (a), the Sec-
13 retary, in full consultation with Indian tribes and tribal
14 organizations, shall establish the Indian Fish and Wildlife
15 Resource Management Program which shall be adminis-
16 tered consistent with the provisions of the Indian Self-De-
17 termination and Education Assistance Act (25 U.S.C. 450
18 et seq.).

19 (2) The Secretary shall promote tribal management
20 of Indian fish, wildlife, trapping and gathering resources,
21 and implementation of this Act, through contracts, cooper-
22 ative agreements, or grants under the Indian Self-Deter-
23 mination and Education Assistance Act (25 U.S.C. 450
24 et seq.), or other Federal laws.

1 (3) The Secretary, upon the request of any Indian
2 tribe or tribal organization, shall enter into a contract, co-
3 operative agreement, or a grant under the Indian Self-De-
4 termination and Education Assistance Act, with the tribe
5 or tribal organization to plan, conduct, or administer any
6 program of the Department of the Interior, or portion
7 thereof which affects Indian fish and wildlife resources
8 and which is currently administered by the Secretary with-
9 out regard to the agency or office of the Department of
10 the Interior or the organizational level within the depart-
11 ment.

12 (4) The Secretary shall, upon the request of an In-
13 dian tribe or tribal organization, enter into a cooperative
14 agreement with the tribe or tribal organization on any
15 management issue affecting Indian fish and wildlife re-
16 sources.

17 (c) MANAGEMENT ACTIVITIES.—Indian fish and
18 wildlife resource management activities carried out under
19 the program established in subsection (b) may include, but
20 shall not be limited to—

21 (1) the development, implementation, and en-
22 forcement of tribal codes, ordinances, and regula-
23 tions;

1 (2) the development and implementation of re-
2 source and management plans, surveys, and inven-
3 tories;

4 (3) the conduct of fish and wildlife population
5 and life history investigations, habitat investigations,
6 habitat restoration, harvest management, and use
7 studies;

8 (4) fish production and hatchery management;

9 (5) the development of tribal conservation pro-
10 grams, including employment and training of tribal
11 conservation enforcement officers; and

12 (6) participation in joint or cooperative man-
13 agement of fish and wildlife resources on a regional
14 basis with Federal, State, tribal, and local or inter-
15 national authorities.

16 (d) SURVEY AND REPORT.—

17 (1) The Secretary is authorized to enter into
18 contracts or provide grants to Indian tribes or tribal
19 organizations under the authority of the Indian Self-
20 Determination and Education Assistance Act (25
21 U.S.C. 450 et seq.) for the purpose of developing a
22 report to the Congress based on a survey of each In-
23 dian reservation that shall include, but not be lim-
24 ited to—

1 (A) a review of existing tribal codes, ordi-
2 nances, and regulations governing the manage-
3 ment of fish and wildlife resources;

4 (B) an assessment of the need to update
5 and revise tribal codes, ordinances, and regula-
6 tions governing tribal fish and wildlife resource
7 protection and use;

8 (C) a determination and documentation of
9 the needs for tribal conservation officers, tribal
10 fisheries and wildlife biologists, and other pro-
11 fessionals to administer Indian fish and wildlife
12 resource management programs;

13 (D) an assessment of the need to provide
14 training to and develop curricula for Indian fish
15 and wildlife resource personnel, including tribal
16 conservation officers, which incorporate law en-
17 forcement, fish and wildlife conservation, identi-
18 fication and resource management principles
19 and techniques; and

20 (E) a determination and documentation of
21 the condition of Indian fish and wildlife re-
22 sources.

23 (2) Within one year of the date of enactment of
24 this Act, the Secretary shall submit to the Congress
25 a report which includes the results of the survey con-

1 ducted under the authority of subsection (1) of this
2 section.

3 ~~(e) INDIAN FISH AND WILDLIFE RESOURCE MAN-~~
4 ~~AGEMENT PLANS.—~~

5 (1) To meet the management objectives set
6 forth in subsection (a), an Indian fish and wildlife
7 resource management plan shall be developed and
8 implemented as follows:

9 (A) Pursuant to a self-determination con-
10 tract or self governance compact under the In-
11 dian Self-Determination and Education Assist-
12 ance Act, an Indian tribe may develop or imple-
13 ment an Indian fish and wildlife management
14 plan. Subject to the provisions of subparagraph
15 (C), the tribe shall have broad discretion in de-
16 signing and carrying out the planning process.

17 (B) If a tribe elects not to contract the de-
18 velopment or implementation of a plan, the Sec-
19 retary shall develop or implement the plan in
20 close consultation with the affected tribe.

21 (C) Whether developed directly by the tribe
22 or by the Secretary, the plan shall—

23 (i) determine the condition of fish and
24 wildlife resources and habitat conditions,

1 (ii) identify specific tribal fish and
2 wildlife resource goals and objectives,

3 (iii) establish management objectives
4 for the resources,

5 (iv) define critical values of the Indian
6 tribe and its members and provide identi-
7 fied comprehensive management objectives,

8 (v) be developed through public meet-
9 ings,

10 (vi) use the public meeting records,
11 existing survey documents, reports, and
12 other research from Federal agencies and
13 tribal community colleges, and

14 (vii) be completed within three years
15 of the initiation of activity to establish the
16 plan.

17 (2) Indian fish and wildlife management plans
18 developed and approved under this section shall gov-
19 ern the management and administration of Indian
20 fish and wildlife resources by the Bureau and the In-
21 dian tribal government.

22 (f) TRIBAL MANAGEMENT IN REGIONAL RESOURCE
23 MANAGEMENT AREAS.—

24 (1) REVIEW.—To achieve the objectives set
25 forth in section 201(a), and consistent with the pro-

1 visions of the Indian Self-Determination and Edu-
2 cation Assistance Act, the Secretary shall review ex-
3 isting programs involving the management of multi-
4 jurisdictional fish, wildlife and gathering resources
5 in regional resource management areas, for the pur-
6 pose of determining the need for Indian representa-
7 tion, program adequacy and staffing needs to appro-
8 priately represent the interests of member tribes.

9 (2) REPORT.—Within one year of the date of
10 enactment of this Act, the Secretary shall submit a
11 report to the Congress based upon the review con-
12 ducted under subsection (1) of this section assessing
13 fish and wildlife program adequacy and staffing
14 needs, and the condition of fish and wildlife re-
15 sources in regional resource management areas.

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

19 (1) update and revise tribal codes, ordinances,
20 and regulations governing tribal fish and wildlife re-
21 source protection and use;

22 (2) employ tribal conservation officers, tribal
23 fisheries and wildlife biologists, and other profes-
24 sionals to administer Indian fish and wildlife re-
25 source management programs; and

1 (3) provide training for Indian fish and wildlife
2 resource personnel including tribal conservation offi-
3 cers under a curricula that incorporates law enforce-
4 ment, fish and wildlife conservation, identification
5 and resource management principles and techniques.

6 EDUCATION IN INDIAN FISH AND WILDLIFE RESOURCE

7 MANAGEMENT

8 SEC. 202. (a) SCHOLARSHIP PROGRAM.—

9 (1) The Secretary is authorized to grant fish
10 and wildlife management scholarships to Indians en-
11 rolled in accredited programs for post-secondary and
12 graduate fish and wildlife resource management-re-
13 lated fields of study as full-time students.

14 (2) A recipient of a fish and wildlife manage-
15 ment scholarship shall be required to enter into an
16 obligated service agreement in which the recipient
17 agrees to accept employment with an Indian tribe, a
18 tribal organization, with the Bureau of Indian Af-
19 fairs, or with the United States Fish and Wildlife
20 Service for one year for each year the recipient re-
21 ceived scholarship assistance following completion of
22 the recipient's course of study.

23 (3) The Secretary shall not deny scholarship as-
24 sistance under this subsection solely on the basis of
25 an applicant's scholastic achievement if the applicant
26 has been admitted to and remains in good standing

1 in an accredited post-secondary or graduate institu-
2 tion.

3 ~~(b) FISH AND WILDLIFE EDUCATION OUTREACH.—~~

4 The Secretary shall conduct, with the full and active par-
5 ticipation of Indian tribes, a fish and wildlife and gather-
6 ing resource education outreach program to explain and
7 stimulate interest in all aspects of Indian fish and wildlife
8 management and to generate interest in careers as fish-
9 eries or wildlife biologists or management.

10 ~~(c) POSTGRADUATE RECRUITMENT.—~~The Secretary
11 shall establish and maintain a program to attract profes-
12 sional Indian fish or wildlife biologists who have graduated
13 from post-secondary or graduate schools for employment
14 by Indian tribes, tribal organizations, the Bureau of In-
15 dian Affairs, or the United States Fish and Wildlife Serv-
16 ice in exchange for the Secretary's assumption of all or
17 a portion of the employee's outstanding student loans, de-
18 pending upon the period of employment involved.

19 ~~(d) FISH AND WILDLIFE BIOLOGIST INTERN PRO-~~
20 ~~GRAM.—~~

21 (1) The Secretary shall, with the full and active
22 participation of Indian tribes, establish a Fish and
23 Wildlife Resources Intern Program for at least 20
24 Indian fish and wildlife intern positions. Such posi-
25 tions shall be in addition to the forester intern posi-

1 tions authorized in section 314(a) of the National
2 Indian Forest Resources Management Act (25
3 U.S.C. 3113(a)). Individuals selected as interns shall
4 be enrolled full-time in approved post-secondary or
5 graduate schools in curricula leading to advanced de-
6 grees in fish or wildlife resource management-related
7 fields.

8 (2) The Secretary shall pay all costs for tuition,
9 books, fees and living expenses incurred by Indian
10 fish and wildlife interns while attending approved
11 study programs.

12 (3) An Indian fish and wildlife resource intern
13 shall be required to enter into an obligated service
14 agreement to serve in a professional fish or wildlife
15 management-related capacity with an Indian tribe or
16 tribal organization, or with the Bureau of Indian Af-
17 fairs, or with a United States Fish and Wildlife
18 Service program serving or benefitting Indian fish
19 and wildlife resources, for one year for each year of
20 education for which the Secretary pays the intern's
21 educational costs under this subsection (2).

22 (4) An Indian fish and wildlife resource intern
23 shall be required to report for service to his or her
24 employing entity during any break in attendance at
25 school of more than 3 weeks duration. Time spent

1 in such service shall be counted toward satisfaction
2 of the intern's obligated service agreement.

3 ~~(c) COOPERATIVE EDUCATION PROGRAM.—~~

4 (1) The Secretary shall maintain a cooperative
5 education program for the purpose of recruiting
6 promising Indian students who are enrolled in sec-
7 ondary schools, tribally controlled community col-
8 leges, and other post-secondary or graduate schools
9 for employment as professional fisheries or wildlife
10 biologists or other related professional positions with
11 an Indian tribe, tribal organization, the Bureau of
12 Indian Affairs, or with the United States Fish and
13 Wildlife Service serving or benefitting Indian lands.

14 (2) Under the program authorized in subsection
15 (1), the Secretary shall pay all costs for tuition,
16 books and fees of an Indian student who is enrolled
17 in a course of study at an educational institution
18 with which the Secretary has entered into a coopera-
19 tive agreement, and who is interested in a career
20 with an Indian tribe, tribal organization, the Bureau
21 of Indian Affairs, or with the United States Fish
22 and Wildlife Service serving or benefitting Indian
23 lands.

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

4 (4) A recipient of assistance under the program
5 authorized in subsection (1) shall be required to
6 enter into an obligated service agreement to serve as
7 a professional fish or wildlife biologist or other relat-
8 ed professional with an Indian tribe, tribal organiza-
9 tion, the Bureau of Indian Affairs, or the United
10 States Fish and Wildlife Service, for one year for
11 each year that the Secretary pays the recipient's
12 education costs pursuant to paragraph (2).

13 (f) ADEQUACY OF PROGRAMS.—The Secretary shall
14 provide administrative oversight of the programs described
15 in this section until a sufficient number of personnel are
16 available to administer Indian fish and wildlife resource
17 management programs on Indian lands and resource man-
18 agement areas.

19 (g) OBLIGATED SERVICE; BREACH OF CONTRACT.—

20 (1) OBLIGATED SERVICE.—Where an individual
21 enters into an agreement for obligated service in re-
22 turn for financial assistance under any provision of
23 this section, the Secretary shall adopt such regula-
24 tions as are necessary to provide for an offer of em-
25 ployment to the recipient of such assistance as re-

1 quired by such provision. Where an offer of employ-
2 ment is not reasonably made, the regulations shall
3 provide that such service shall no longer be required.

4 (2) BREACH OF CONTRACT.—Where an individ-
5 ual fails to accept a reasonable offer of employment
6 in fulfillment of such obligated service or unreason-
7 ably terminates or fails to perform the duties of such
8 employment, the Secretary shall require a repayment
9 of the financial assistance provided, pro rated for
10 the amount of time of obligated service that was per-
11 formed, together with interest on such amount which
12 would be payable if at the time the amounts were
13 paid they were loans bearing interest at the maxi-
14 mum legal prevailing rate, as determined by the Sec-
15 retary of the Treasury.

16 INDIAN FISH HATCHERY ASSISTANCE PROGRAM

17 SEC. 203. (a) PROGRAM.—The Secretary, with full
18 and active participation of Indian tribes, shall establish
19 and administer an Indian Fish Hatchery Assistance Pro-
20 gram to produce and distribute fish of the species, strain,
21 number, size and quality to assist Indian tribes to develop
22 tribal hatcheries and enhance fisheries resources on Indian
23 lands to meet resource needs, including but not limited
24 to, Indian subsistence, ceremonial and commercial fish-
25 eries needs.

1 (b) REPORT.—Within one year of the date of enact-
2 ment of this Act, the Secretary, with the full and active
3 participation of Indian tribes, shall submit a report to the
4 Congress identifying the facilities which comprise the In-
5 dian Fish Hatchery Program, the maintenance, rehabilita-
6 tion, and construction needs of such facilities, and provid-
7 ing a plan for their administration and cost-effective oper-
8 ation.

9 (c) FISH HATCHERY MAINTENANCE AND REHABILI-
10 TATION.—Within one year of the date of the enactment
11 of this Act, the Secretary, with the full and active partici-
12 pation of Indian tribes, shall submit a report to the Con-
13 gress identifying maintenance and rehabilitation needs of
14 the facilities that comprise the Indian Fish Hatchery As-
15 sistance Program, identifying criteria and procedures to
16 be used in evaluating and ranking fish hatchery mainte-
17 nance and rehabilitation project proposals submitted by
18 Indian tribes.

19 (d) CONTRACTING.—Upon the request of any Indian
20 tribe, the Secretary shall enter into a contract or annual
21 funding agreement with the tribe pursuant to an Indian
22 Self-Determination Education and Assistance Act con-
23 tract, cooperative agreement, or grant, to plan, conduct
24 and administer the Indian Fish Hatchery Assistance Pro-
25 gram, or portions thereof.

1 (1) Native Hawaiians comprise a distinct and
2 unique indigenous people with a historical continuity
3 to the original inhabitants of the Hawaiian archipel-
4 ago whose society was organized as a nation prior to
5 1893;

6 (2) at the time of the arrival of the first non-
7 indigenous people in 1778, the Native Hawaiian peo-
8 ple lived in a highly-organized, self-sufficient, sub-
9 sistence society based on a communal land tenure
10 system with a sophisticated language, culture, and
11 religion;

12 (3) as inhabitants of an archipelago, the Native
13 Hawaiian people have, since time immemorial, relied
14 on their surrounding fishery resources for basic sub-
15 sistence, economic, social, cultural, and spiritual sus-
16 tenance;

17 (4) the protection and preservation of Native
18 Hawaiian traditional fisheries practices including the
19 management and conservation of fisheries resources,
20 and enforcement of conservation measures, and the
21 adaption of such traditional practices consistent with
22 modern management and conservation principles,
23 are vital to the well-being of the Native Hawaiian
24 people;

1 Hawaiian entities responsible for multi-jurisdictional
2 fish resource decision-making; and

3 (4) to authorize and establish Native Hawaiian
4 community-based fisheries demonstration projects.

5 DEFINITIONS

6 SEC. 403. For purposes of this title:

7 (1) The term “fishery” means the harvest and
8 use of one or more stocks of marine fish found in
9 the waters surrounding the area that now comprises
10 the State of Hawaii.

11 (2) The term “Native Hawaiian” means any in-
12 dividual who is a descendant of the aboriginal Poly-
13 nesian people who, prior to 1778, occupied and exer-
14 cised sovereignty and self-determination in the area
15 that now comprises the State of Hawaii.

16 (3) The term “Native Hawaiian community-
17 based entity” means any entity or organization
18 which is composed primarily of Native Hawaiian
19 members from a specific community, which assists in
20 the social, cultural and economic development of the
21 Native Hawaiians in that community, and whose
22 stated purpose includes the protection and preserva-
23 tion of Native Hawaiian traditional fisheries prac-
24 tices.

25 (4) The term “Western Pacific Fishery Man-
26 agement Council” means the regional Council estab-

1 lished by section 302 of the Magnuson Fishery Con-
 2 servation and Management Act with authority over
 3 the fisheries in the Federal waters of the Exclusive
 4 Economic Zone surrounding American Samoa,
 5 Guam, the State of Hawaii and the Commonwealth
 6 of the Northern Mariana Islands.

7 (5) Unless otherwise indicated, all other defini-
 8 tions contained in section 103 shall apply to this
 9 title.

10 ~~NATIVE HAWAIIAN COMMUNITY-BASED FISHERIES~~

11 ~~DEMONSTRATION PROJECTS~~

12 ~~SEC. 404. (a) DEMONSTRATION PROJECTS AUTHOR-~~
 13 ~~ITY.—The Secretary shall make a direct grant to the~~
 14 ~~Western Pacific Fishery Management Council (“Council”)~~
 15 ~~in order that the Council may provide funding to Native~~
 16 ~~Hawaiian community-based entities for the purpose of es-~~
 17 ~~tablishing at least three, but not more than five, dem-~~
 18 ~~onstration projects to foster and promote the self-deter-~~
 19 ~~mination of Native Hawaiian communities over the man-~~
 20 ~~agement, conservation, enforcement and economic en-~~
 21 ~~hancement of Native Hawaiian fisheries.~~

22 ~~(b) DUTIES AND RESPONSIBILITIES OF WESTERN~~
 23 ~~PACIFIC FISHERY MANAGEMENT COUNCIL.—The West-~~
 24 ~~ern Pacific Fishery Management Council shall—~~

25 (1) award, administer, and exercise oversight
 26 responsibility over the grants authorized under this

1 title to qualified Native Hawaiian community-based
2 entities; and

3 (2) submit an annual report to the Congress as-
4 ssuming the status and progress of the demonstration
5 projects, including any obstacles experienced by the
6 demonstration projects which have impeded the pur-
7 poses of this title.

8 (c) USE OF FUNDS.—Demonstration projects funded
9 under this section shall foster and promote the self-deter-
10 mination of Native Hawaiian communities over the man-
11 agement, conservation, enforcement and economic en-
12 hancement of Native Hawaiian fisheries, and may include,
13 but not be limited to—

14 (1) the identification and application of tradi-
15 tional Native Hawaiian fishery management prac-
16 tices on a community-wide basis;

17 (2) the planning, development and application
18 of community-based enforcement plans in order to
19 protect and conserve off-shore and ocean resources,
20 and to enforce existing applicable State and Federal
21 laws, in cooperation with State and Federal entities;

22 (3) the development of community-based eco-
23 nomic enhancement fishery projects; and

24 (4) research, community education, and mate-
25 rials, including equipment, necessary to accomplish

1 the purposes of the demonstration projects under
2 this title.

3 (d) ADMINISTRATIVE COSTS.—No more than 7 per-
4 cent of the funds appropriated to carry out the provisions
5 of this title for any fiscal year may be used for administra-
6 tive purposes by the Western Pacific Fishery Management
7 Council.

8 (e) TECHNICAL ASSISTANCE.—In order to carry out
9 the purposes of this title, State and Federal agencies, in-
10 cluding the Western Pacific Fishery Management Council,
11 are authorized to assist the Native Hawaiian community-
12 based demonstration projects in meeting their technical
13 assistance and management needs, as determined by the
14 affected Native Hawaiian communities.

15 TITLE V—AUTHORIZATION OF
16 APPROPRIATIONS

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

19 TITLE VI—MISCELLANEOUS PROVISIONS
20 REGULATIONS

21 SEC. 601. Except as otherwise provided by this Act,
22 the Secretary shall promulgate final regulations for the
23 implementation of this Act within 18 months following the
24 date of the enactment of this Act. All regulations promul-
25 gated pursuant to this Act shall be developed by the Sec-

1 retary with the full and active participation of the Indian
2 tribes.

3 SEVERABILITY

4 SEC. 602. If any provision of this Act, or the applica-
5 tion of any provision of this Act to any person or cir-
6 cumstance, is held invalid, the application of such provi-
7 sion or circumstance and the remainder of this Act shall
8 not be affected thereby.

9 TRUST RESPONSIBILITY

10 SEC. 603. (a) In any departmental action which af-
11 fects Indian fish and wildlife resources, the Secretary shall
12 fully consult with and seek the participation of Indian
13 tribes in a manner consistent with the Federal trust re-
14 sponsibility and the government-to-government relation-
15 ship between Indian tribes and the Federal Government.

16 (b) Nothing in this Act shall be construed to diminish
17 or expand the trust responsibility of the United States for
18 Indian natural resources, or any legal obligation or remedy
19 resulting therefrom.

20 TREATY OBLIGATIONS

21 SEC. 604. Nothing in this Act shall be construed to
22 diminish or adversely affect the rights of Indian tribes es-
23 tablished in existing Indian treaties or other Federal laws
24 or court decrees.

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
 3 *dian Fish and Wildlife Resources Management Act of*
 4 *1994”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 6 *this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

TITLE II—INDIAN FISH AND WILDLIFE PROGRAMS

Sec. 201. Management of Indian fish, wildlife, and gathering resources.

Sec. 202. Education in Indian fish and wildlife resource management.

Sec. 203. Indian Fish Hatchery System.

Sec. 204. Hunting, trapping, or fishing on Indian land.

TITLE III—INDIAN BISON CONSERVATION AND MANAGEMENT

Sec. 301. Indian Bison Conservation Program.

Sec. 302. Indian Bison Ranching Demonstration Projects.

*TITLE IV—NATIVE HAWAIIAN COMMUNITY-BASED FISHERIES
 DEMONSTRATION PROJECTS*

Sec. 401. Findings.

Sec. 402. Purposes.

Sec. 403. Definitions.

Sec. 404. Native Hawaiian Demonstration Projects.

Sec. 405. Establishment of a panel review process.

Sec. 406. Duties and responsibilities of the Council.

Sec. 407. Use of funds.

Sec. 408. Administrative costs.

Sec. 409. Technical assistance.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

Sec. 501. Authorization of appropriations.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Regulations.

Sec. 602. Trust responsibility.

Sec. 603. Treaty obligations.

Sec. 604. Statutory construction; applicability.

1 **TITLE I—GENERAL PROVISIONS**

2 **SEC. 101. FINDINGS.**

3 *Congress finds the following:*

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

6 (2) *The United States has a trust responsibility,*
7 *which extends to all departments and agencies of the*
8 *Federal Government, to protect, conserve, and assist*
9 *Indian tribal governments in the management of In-*
10 *dian fish, wildlife, and gathering resources in a man-*
11 *ner consistent with—*

12 (A) *applicable Federal conservation laws;*
13 *and*

14 (B) *the treaty and other rights of Indian*
15 *tribes arising under statutes, Executive orders,*
16 *and Federal judicial decrees.*

17 (3) *Indian tribal governments—*

18 (A) *manage fish and wildlife resources,*
19 *often in cooperation with other tribal govern-*
20 *ments, and Federal, State, and foreign govern-*
21 *ments; and*

22 (B) *often share management responsibilities*
23 *for fish and wildlife resources as a function of*
24 *treaties, statutes, and judicial decrees.*

1 (4) *Comprehensive and improved management of*
2 *Indian fish and wildlife resources will yield greater*
3 *economic returns, enhance the conservation of fish*
4 *and wildlife resources, enhance Indian self-determina-*
5 *tion, strengthen tribal self-governance, promote em-*
6 *ployment opportunities, and improve the social, cul-*
7 *tural, and economic well-being of Indian communities*
8 *and neighboring communities.*

9 (5) *The United States provides assistance to In-*
10 *Indian tribes to—*

11 (A) *achieve integrated resource manage-*
12 *ment;*

13 (B) *regulate the exercise of hunting, fishing,*
14 *trapping, and gathering rights;*

15 (C) *protect and conserve populations and*
16 *habitats upon which the meaningful exercise of*
17 *Indian rights depend; and*

18 (D) *operate and maintain fish hatcheries*
19 *and other facilities and structures required for*
20 *the prudent management, enhancement, and*
21 *mitigation of fish and wildlife resources.*

22 **SEC. 102. PURPOSES.**

23 *The purposes of this Act are as follows:*

24 (1) *To reaffirm and protect Indian hunting,*
25 *fishing, trapping, and gathering rights, and contrib-*

1 *ute to the conservation, prudent management, protec-*
2 *tion, orderly development, and use of the resources*
3 *upon which the meaningful exercise of Indian rights*
4 *depend.*

5 (2) *To—*

6 (A) *enhance and maximize tribal capability*
7 *and flexibility in managing Indian fish and*
8 *wildlife resources for the continuing benefit of*
9 *Indian people, and*

10 (B) *better enable Indian tribal governments*
11 *to cooperate with States and other governments*
12 *in managing shared fish and wildlife resources*
13 *for the benefit of the Nation,*
14 *in a manner consistent with the exercise of Indian*
15 *hunting, fishing, trapping, and gathering rights and*
16 *the trust responsibility of the United States to honor*
17 *Indian treaty rights and protect Indian resources.*

18 (3) *To support the Federal policy of Indian self-*
19 *determination and tribal self-governance by authoriz-*
20 *ing and encouraging government-to-government rela-*
21 *tions, comanagement, and cooperative agreements*
22 *among Federal, State, local, and Indian tribal gov-*
23 *ernments, as well as international agencies and com-*
24 *missions responsible for multijurisdictional fish and*
25 *wildlife resource decisionmaking.*

1 (4) To—

2 (A) authorize and establish Indian bison
3 ranching demonstration projects that may be ad-
4 ministered by Indian tribal governments pursu-
5 ant to the Indian Self-Determination and Edu-
6 cation Assistance Act (25 U.S.C. 450 et seq.) to
7 meet tribal bison ranching and management
8 needs; and

9 (B) train Indian people in the use of such
10 techniques.

11 (5) To authorize and establish an Indian Fish
12 Hatchery Assistance Program that may be adminis-
13 tered by Indian tribal governments pursuant to the
14 Indian Self-Determination and Education Assistance
15 Act (25 U.S.C. 450 et seq.) to meet Indian hatchery
16 needs and fulfill tribal management and
17 comanagement responsibilities.

18 (6) To authorize and establish an Indian Fish
19 and Wildlife Resource Management Education Assist-
20 ance Program to promote and develop full tribal tech-
21 nical capability and competence in managing fish
22 and wildlife resource programs.

23 **SEC. 103. DEFINITIONS.**

24 As used in this Act:

1 (1) *ALASKA NATIVE.*—The term “Alaska Native”
2 has the meaning given the term “Native” in section
3 3(b) of the Alaska Native Claims Settlement Act (43
4 U.S.C. 1602(b)).

5 (2) *BUREAU.*—The term “Bureau” means the
6 Bureau of Indian Affairs of the Department of the In-
7 terior.

8 (3) *COMANAGEMENT.*—The term
9 “comanagement” means voluntary cooperative deci-
10 sionmaking and management between an Indian trib-
11 al government and the Federal Government or the
12 government of a State, a regional governmental en-
13 tity, or a foreign government (or any combination
14 thereof) in carrying out fish and wildlife resource
15 management activities or processes.

16 (4) *COOPERATIVE AGREEMENT.*—The term “co-
17 operative agreement” means a written agreement en-
18 tered into voluntarily by two or more parties to agree
19 to work together to actively protect, conserve, restore,
20 or otherwise manage fish and wildlife resources.

21 (5) *DEPARTMENT.*—The term “Department”
22 means the Department of the Interior.

23 (6) *FEDERAL AGENCY.*—The term “Federal agen-
24 cy” has the meaning given the term “agency” in sec-
25 tion 551 of title 5, United States Code.

1 (7) *FISH AND WILDLIFE MANAGEMENT ACTIVI-*
2 *TIES.—The term “fish and wildlife resource manage-*
3 *ment activities” means activities performed by an In-*
4 *Indian tribe or Indian tribal organization in managing*
5 *Indian fish, wildlife, gathering, and related outdoor*
6 *recreation resources, including—*

7 (A) *the implementation and enforcement of*
8 *tribal fish and wildlife codes, ordinances, and*
9 *regulations;*

10 (B) *the development of integrated resource*
11 *management plans for Indian natural resources;*

12 (C) *population and life history investiga-*
13 *tions;*

14 (D) *harvest management and use studies;*

15 (E) *fish production and hatchery manage-*
16 *ment;*

17 (F) *judicial services;*

18 (G) *comanagement or other cooperative ac-*
19 *tivities with Federal, State, local, or Indian trib-*
20 *al governments, or international agencies;*

21 (H) *public use management;*

22 (I) *information management;*

23 (J) *public relations and general adminis-*
24 *tration;*

25 (K) *mitigation for habitat loss; and*

1 (L) *the rehabilitation, restoration, and en-*
2 *hancement of fish and wildlife habitat.*

3 (8) *FISH HATCHERY MAINTENANCE.*—*The term*
4 *“fish hatchery maintenance” means work that is re-*
5 *quired at periodic intervals to prolong the life of a*
6 *fish hatchery and its components and associated*
7 *equipment, and to prevent the need for premature re-*
8 *placement or repair.*

9 (9) *FISH HATCHERY REHABILITATION.*—*The*
10 *term “fish hatchery rehabilitation” means noncyclical*
11 *work that is required to address the physical deterio-*
12 *ration and functional obsolescence of a fish hatchery*
13 *building, structure, or other facility component or to*
14 *repair damage resulting from aging, natural phenom-*
15 *ena, and other causes. Such term includes work to re-*
16 *pair, modify, or improve facility components to en-*
17 *hance the original function of the components, the ap-*
18 *plication of technological advances, and the replace-*
19 *ment or acquisition of capital equipment, such as fish*
20 *distribution tanks, vehicles, and standby generators.*

21 (10) *INDIAN.*—*The term “Indian” means a*
22 *member of an Indian tribe (as defined in section 4(e)*
23 *of the Indian Self-Determination and Education As-*
24 *istance Act (25 U.S.C. 450b(e)).*

1 (11) *INDIAN BISON RANCHING DEMONSTRATION*
2 *PROJECT.*—The term “Indian Bison Ranching Dem-
3 *onstration Project*” means a demonstration project
4 *conducted pursuant to section 302 that relates to the*
5 *production, rearing, holding, management, or preser-*
6 *vation of bison, including training in bison ranching*
7 *management techniques, including training in bison*
8 *management techniques.*

9 (12) *INDIAN FISH AND WILDLIFE RESOURCES.*—
10 The term “Indian fish and wildlife resource” means
11 any animal or plant life with respect to which—

12 (A) an Indian tribe has a right to fish,
13 hunt, trap, or gather for subsistence, ceremonial,
14 recreational, or commercial purposes; and

15 (B) a determination has been made that an
16 Indian tribal government has management or
17 comanagement responsibilities.

18 (13) *INDIAN FISH HATCHERY.*—The term “In-
19 dian fish hatchery” means any single-purpose or mul-
20 tipurpose facility owned or operated by an Indian
21 tribe or the Bureau of Indian Affairs that is engaged
22 in the spawning, hatching, rearing, holding, caring
23 for, or stocking of fish. Such term includes related re-
24 search and diagnostic fish health facilities and any
25 other Federal fish hatchery facility, the operation of

1 *which is contractible by Indian tribes pursuant to the*
2 *Indian Self-Determination and Education Assistance*
3 *Act (25 U.S.C. 450 et seq.).*

4 (14) *INDIAN TRIBAL GOVERNMENT.*—*The term*
5 *“Indian tribal government” means the government of*
6 *an Indian tribe.*

7 (15) *INDIAN TRIBE.*—*The term “Indian tribe”*
8 *means any Indian tribe, band, nation, rancheria,*
9 *pueblo, or other organized dependent Indian group or*
10 *community that is recognized as eligible for the spe-*
11 *cial programs and services provided by the United*
12 *States to Indians because of their status as Indians,*
13 *except that such term does not include Alaska Native*
14 *villages (as defined in section 3(c) of the Alaska Na-*
15 *tive Claims Settlement Act (43 U.S.C. 1602(c)) that*
16 *are not located within the limits of an Indian res-*
17 *ervation.*

18 (16) *INSTITUTION OF HIGHER EDUCATION.*—*The*
19 *term “institution of higher education” has the mean-*
20 *ing given such term in section 1201(a) of the Higher*
21 *Education Act of 1965 (20 U.S.C. 1141(a)).*

22 (17) *INTEGRATED RESOURCE MANAGEMENT*
23 *PLAN.*—*The term “integrated resource management*
24 *plan” means a plan that—*

1 (A) is developed pursuant to the process
2 used by Indian tribal governments to assess
3 available resources and provide identified com-
4 prehensive management objectives that include
5 quality of life, production goals, and landscape
6 descriptions of all designated resources that may
7 include water, fish, wildlife, forestry, agriculture,
8 minerals, and recreation, and community and
9 municipal resources; and

10 (B) may include any previously adopted
11 tribal codes and plans related to the resources re-
12 ferred to in subparagraph (A).

13 (18) *NATIVE VILLAGE*.—The term “Native vil-
14 lage” has the meaning given the term under section
15 3(c) of the Alaska Native Claims Settlement Act (43
16 U.S.C. 1602(c)).

17 (19) *PROGRAM*.—The term “Program” means the
18 Indian Fish and Wildlife Resource Management Pro-
19 gram established under section 201(b).

20 (20) *SECRETARY*.—The term “Secretary” means
21 the Secretary of the Interior.

22 (21) *TRIBAL ORGANIZATION*.—The term “tribal
23 organization” has the meaning given such term in
24 section 4(l) of the Indian Self-Determination and

1 *Education Assistance Act (25 U.S.C. 450b(l)), and*
2 *includes tribal fish and wildlife organizations.*

3 ***TITLE II—INDIAN FISH AND***
4 ***WILDLIFE PROGRAMS***

5 ***SEC. 201. MANAGEMENT OF INDIAN FISH, WILDLIFE, AND***
6 ***GATHERING RESOURCES.***

7 *(a) MANAGEMENT OBJECTIVES.—In a manner consist-*
8 *ent with the Indian Self-Determination and Education As-*
9 *sistance Act (25 U.S.C. 450 et seq.), the Secretary shall sup-*
10 *port tribal administration of Indian fish and wildlife re-*
11 *source management activities to achieve the following objec-*
12 *tives:*

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 protect Indian hunting, fishing, and gath-*
18 *ering rights guaranteed to Indian tribes by the*
19 *United States through any applicable treaty, statute,*
20 *Executive order, or Federal court decree.*

21 *(3) To provide for the development and enhance-*
22 *ment of the capacities of Indian tribal governments to*
23 *manage Indian fish and wildlife resources.*

24 *(4) To protect and conserve Indian fish and*
25 *wildlife resources and associated habitats that are im-*

1 *portant to the subsistence, cultural enrichment, and*
2 *economic development of Indian communities.*

3 *(5) To promote the development and use of In-*
4 *Indian fish and wildlife resources for the benefit of In-*
5 *Indian people by managing Indian resources in accord-*
6 *ance with tribally developed and approved integrated*
7 *resource management plans or other resource manage-*
8 *ment plans to provide coordination for the com-*
9 *prehensive management of natural resources.*

10 *(6) To support tribal comanagement or other co-*
11 *operative activities in local, regional, national, or*
12 *international decisionmaking processes and forums.*

13 *(7) To develop and increase production of fish,*
14 *wildlife, and bison resources required to meet Indian*
15 *subsistence, ceremonial, recreational, and commercial*
16 *needs.*

17 **(b) MANAGEMENT PROGRAM.—**

18 *(1) IN GENERAL.—To achieve the objectives iden-*
19 *tified in subsection (a), the Secretary, in full con-*
20 *sultation with Indian tribes and tribal organizations,*
21 *shall establish, within the Bureau, an Indian Fish*
22 *and Wildlife Resource Management Program. The*
23 *Secretary shall administer the Program in a man-*
24 *ner—*

1 (A) consistent with the Indian Self-Deter-
2 mination and Education Assistance Act (25
3 U.S.C. 450 et seq.); and

4 (B) that maximizes the transfers of finan-
5 cial resources to fish and wildlife management
6 programs administered by Indian tribes and
7 tribal organizations.

8 (2) PROMOTION OF TRIBAL MANAGEMENT.—The
9 Secretary shall promote tribal management of Indian
10 fish and wildlife resources and the implementation of
11 this Act, through contracts, cooperative agreements, or
12 grants made under the Indian Self-Determination
13 and Education Assistance Act (25 U.S.C. 450 et seq.)
14 or other Federal laws.

15 (3) SELF-GOVERNANCE.—(A) Upon the request of
16 any Indian tribe or tribal organization, the Secretary
17 shall enter into a self-governance contract, compact,
18 or cooperative agreement under the Indian Self-Deter-
19 mination and Education Assistance Act (25 U.S.C.
20 450 et seq.) or make a grant under such Act to permit
21 such tribe or tribal organization to plan, conduct, or
22 administer any program, operation, facility—

23 (i) that is under the jurisdiction of the De-
24 partment of the Interior, or agency or office of
25 the Department;

1 (ii) with respect to which the function is to
2 provide technical fish and wildlife assistance to
3 Indian tribes or otherwise serve the fish and
4 wildlife resource needs of Indian tribes; and

5 (iii) that is administered by the Secretary
6 at the time the contract, compact, or cooperative
7 agreement is executed, or grant is made.

8 (B) The authority to conduct the activities cov-
9 ered under a self-governance contract, compact, or co-
10 operative agreement executed by an Indian tribe or
11 tribal organization under subparagraph (A) or grant
12 made pursuant to such subparagraph shall, notwith-
13 standing any other provision of law, be transferred to
14 the tribe or tribal organization without regard to the
15 jurisdiction of the agency or office of the Department
16 of the Interior or any other organizational level with-
17 in the Department.

18 (C) If the Secretary transfers program duties
19 and responsibilities to an Indian tribe or tribal orga-
20 nization, the Secretary shall transfer to the tribe or
21 tribal organization the funds made available to the
22 Secretary to carry out the activities.

23 (4) ALLEVIATION OF ADVERSE IMPACTS.—Upon
24 the request of an Indian tribe or tribal organization,
25 the Secretary shall review any program, operation, or

1 *facility administered within the Department of the*
2 *Interior, without regard to the agency or office of the*
3 *Department, or any other organizational level within*
4 *the Department, asserted to have an adverse impact*
5 *on Indian fish and wildlife resources or the exercise*
6 *of Indian hunting, fishing, or gathering rights and*
7 *shall report the findings of the review to such tribe or*
8 *tribal organization not later than 120 days after the*
9 *date the tribe or tribal organization makes such re-*
10 *quest. The Secretary shall, in a manner consistent*
11 *with Federal conservation laws, take all appropriate*
12 *actions to alleviate all reported adverse impacts de-*
13 *scribed in the preceding sentence.*

14 (5) *CONSULTATIONS.—(A) Consultations, includ-*
15 *ing reviews conducted pursuant to this Act and the*
16 *sharing or provision of technical information, legal*
17 *views and policy positions, between a representative*
18 *of the Federal Government and a representative of one*
19 *or more Indian tribes or tribal fish and wildlife orga-*
20 *nizations regarding Indian fish and wildlife resources*
21 *or the exercise of Indian hunting, fishing, or gather-*
22 *ing rights may be conducted without regard to the*
23 *Federal Advisory Committee Act (5 U.S.C. App.).*

24 (B) *It is the sense of Congress that consultations*
25 *described in subparagraph (A) should be encouraged.*

1 (c) *MANAGEMENT ACTIVITIES.—Indian fish and wild-*
2 *life resource management activities carried out under the*
3 *Program may include—*

4 (1) *the development, implementation, and en-*
5 *forcement of tribal codes, ordinances, and regulations;*

6 (2) *the development and implementation of re-*
7 *source management plans, surveys, and inventories;*

8 (3) *the conducting of fish and wildlife popu-*
9 *lation and life history investigations, habitat inves-*
10 *tigations, habitat restoration, harvest management,*
11 *and resource use studies;*

12 (4) *fish production and hatchery management;*

13 (5) *the development of tribal conservation pro-*
14 *grams, including employment and training of tribal*
15 *conservation enforcement officers; and*

16 (6) *participation in comanagement and coopera-*
17 *tive activities relating to fish and wildlife resources*
18 *with the Federal Government or any State, local, or*
19 *foreign government (or any combination thereof).*

20 (d) *NEEDS ASSESSMENT OF INDIAN FISH AND WILD-*
21 *LIFE MANAGEMENT PROGRAMS.—*

22 (1) *ASSESSMENT.—Not later than 180 days after*
23 *the date of enactment of this Act, the Secretary, in*
24 *consultation with affected Indian tribes and tribal or-*
25 *ganizations, shall enter into a contract with a non-*

1 *Federal entity knowledgeable in fish and wildlife re-*
2 *source management activities carried out by Federal*
3 *agencies or instrumentalities to conduct an independ-*
4 *ent needs assessment of Indian fish and wildlife re-*
5 *source management programs.*

6 (2) *SCOPE.*—*The assessment conducted under*
7 *this subsection shall be national in scope and shall*
8 *provide a comprehensive assessment of the funding*
9 *and development needs for all Indian fish and wild-*
10 *life resource management programs. The assessment*
11 *shall contain an analysis of the Federal investment*
12 *and management efforts for Indian fish and wildlife*
13 *resources as compared to federally assisted non-In-*
14 *dian fish and wildlife resource management and de-*
15 *velopment programs.*

16 (3) *CONTENT.*—*The assessment conducted under*
17 *this subsection shall include—*

18 (A) *a review of the tribal codes, ordinances,*
19 *and regulations in existence on the date of enact-*
20 *ment of this Act governing the management of*
21 *fish and wildlife resources;*

22 (B) *an assessment of the need to update and*
23 *revise such tribal codes, ordinances, and regula-*
24 *tions;*

1 (C) a determination and documentation of
2 the need for tribal conservation officers, tribal
3 fisheries and wildlife biologists, and other profes-
4 sionals to administer Indian fish, wildlife re-
5 source management, and outdoor recreation pro-
6 grams;

7 (D) an assessment of the need to provide
8 training to, and develop curricula for, Indian
9 fish and wildlife resource management personnel;

10 (E) a determination and documentation of
11 the condition of Indian fish and wildlife re-
12 sources; and

13 (F) an identification of any obstacles to In-
14 dian access to Federal or private programs relat-
15 ing to fish and wildlife resource management
16 programs generally available to the general pub-
17 lic.

18 (4) IMPLEMENTATION.—

19 (A) STATUS REPORT.—Not later than 1
20 year after the date of enactment of this Act, the
21 Secretary shall submit to the Committee on In-
22 dian Affairs of the Senate and the Subcommittee
23 on Native American Affairs of the Committee on
24 Natural Resources of the House of Representa-

1 *tives a status report on the development of the*
2 *assessment conducted pursuant to this subsection.*

3 (B) *FINAL REPORT.*—Not later than 2 years
4 *after the date of enactment of this Act, the Sec-*
5 *retary shall submit to the Committee on Indian*
6 *Affairs of the Senate and the Subcommittee on*
7 *Native American Affairs of the Committee on*
8 *Natural Resources of the House of Representa-*
9 *tives a final report on the assessment conducted*
10 *pursuant to this subsection.*

11 (e) *INDIAN FISH AND WILDLIFE RESOURCE MANAGE-*
12 *MENT PLANS.*—

13 (1) *IN GENERAL.*—To meet the management ob-
14 *jectives identified in subsection (a), an Indian fish*
15 *and wildlife resource management plan (referred to in*
16 *this subsection as a “plan”)* may be developed and
17 *implemented for each Indian tribe with Indian fish*
18 *and wildlife resources, and in coordination with other*
19 *resource management plans, as follows:*

20 (A) *Pursuant to a self-determination con-*
21 *tract grant or self-governance compact under the*
22 *Indian Self-Determination and Education As-*
23 *sistance Act (25 U.S.C. 450 et seq.), an Indian*
24 *tribe or tribal organization represented by the*
25 *tribe may develop or implement an Indian fish*

1 *and wildlife management plan. Subject to sub-*
2 *paragraph (C), the Indian tribe shall have broad*
3 *discretion in designing and carrying out the*
4 *planning process.*

5 *(B) If an Indian tribe or tribal organiza-*
6 *tion represented by the tribe elects not to con-*
7 *tract the development or implementation of a*
8 *plan, the Secretary shall, if requested by the*
9 *tribe, develop or implement the plan in close con-*
10 *sultation with the affected tribe or tribal organi-*
11 *zation.*

12 *(C) Whether developed directly by an In-*
13 *dian tribe or by the Secretary, at the request of*
14 *an Indian tribe, a plan shall—*

15 *(i) determine the condition of fish and*
16 *wildlife resources and habitat conditions;*

17 *(ii) identify specific tribal fish and*
18 *wildlife resource goals and objectives;*

19 *(iii) establish management objectives*
20 *for the resources;*

21 *(iv) define critical values of the Indian*
22 *tribe and its members and provide identi-*
23 *fied comprehensive management objectives;*

1 (v) use existing survey documents, re-
2 ports, and other research from Federal
3 agencies and tribal community colleges;

4 (vi) comply with applicable Federal
5 law; and

6 (vii) be completed not later than 3
7 years after the initiation of activity to es-
8 tablish the plan.

9 (2) *EFFECT OF PLAN.*—Each Indian fish and
10 wildlife resource management plan developed by the
11 Secretary, an Indian tribal government, or an Indian
12 tribal organization and approved by the appropriate
13 Indian tribal government under this section shall gov-
14 ern the management and administration of Indian
15 fish and wildlife resources by the United States and
16 the Indian tribal government that is the subject of the
17 plan in a manner consistent with existing law relat-
18 ing to Federal, State, or tribal authority over Indian
19 fish and wildlife resources.

20 (f) *ASSISTANCE.*—Pursuant to a self-determination
21 contract, self-governance compact, or grant entered into or
22 made under the Indian Self-Determination and Education
23 Assistance Act (25 U.S.C. 450 et seq.), the Secretary may
24 provide financial and technical assistance to enable an In-
25 dian tribe to—

1 (1) *update and revise tribal codes, ordinances,*
2 *and regulations governing tribal fish and wildlife re-*
3 *source protection and use;*

4 (2) *employ tribal conservation officers, tribal*
5 *fisheries and wildlife biologists, and other profes-*
6 *sionals to administer Indian fish and wildlife re-*
7 *source management and outdoor recreation programs;*

8 (3) *provide training for Indian fish and wildlife*
9 *resource personnel including tribal conservation offi-*
10 *cers under a curriculum that incorporates law en-*
11 *forcement, fish and wildlife conservation, species iden-*
12 *tification and resource management principles and*
13 *techniques; and*

14 (4) *provide such other financial and technical*
15 *assistance as the Secretary may determine necessary.*

16 (g) *ALASKA NATIVES.*—*In a manner consistent with*
17 *the Indian Self-Determination and Education Assistance*
18 *Act (25 U.S.C. 450 et seq.), the Secretary may, subject to*
19 *the availability of appropriations, enter into contracts with*
20 *and make grants to Alaska Native villages and other Alaska*
21 *Native entities (as determined under the Alaska Native*
22 *Claims Settlement Act (43 U.S.C. 1601 et seq.) to provide*
23 *financial assistance to assist such entities in—*

24 (1) *expressing the views of the entities; and*

1 (2) *participating fully in the Federal and State*
2 *decisionmaking processes,*
3 *with respect to fish and wildlife management activities in*
4 *Alaska.*

5 **SEC. 202. EDUCATION IN INDIAN FISH AND WILDLIFE RE-**
6 **SOURCE MANAGEMENT.**

7 (a) *SCHOLARSHIP PROGRAM.*—

8 (1) *IN GENERAL.*—*The Secretary may grant fish*
9 *and wildlife management scholarships to Indians en-*
10 *rolled in accredited programs for postsecondary and*
11 *graduate fish and wildlife resource management-relat-*
12 *ed fields of study as full-time students at institutions*
13 *of higher education.*

14 (2) *OBLIGATED SERVICE AGREEMENT.*—*Each re-*
15 *recipient of a fish and wildlife management scholarship*
16 *shall be required, as a condition to receiving the*
17 *scholarship, to enter into an obligated service agree-*
18 *ment under which the recipient agrees to accept em-*
19 *ployment with an Indian tribe or tribal organization,*
20 *or the Bureau or other Federal agency serving or ben-*
21 *efiting Indians for a period equal to the period of*
22 *time during which the recipient receives scholarship*
23 *assistance. The period of obligated service shall com-*
24 *mence as soon as practicable following completion of*
25 *the course of study of the recipient.*

1 (3) *SCHOLASTIC ACHIEVEMENT NOT A BASIS FOR*
2 *DENIAL.*—*The Secretary may not deny scholarship*
3 *assistance under this subsection solely on the basis of*
4 *the scholastic achievement of an applicant if the ap-*
5 *plicant has been admitted to and remains in good*
6 *standing in an accredited postsecondary or graduate*
7 *institution of higher education.*

8 (b) *FISH AND WILDLIFE EDUCATION OUTREACH.*—
9 *The Secretary shall conduct, with the full and active par-*
10 *ticipation of Indian tribes, a fish and wildlife and gather-*
11 *ing resource management education outreach program to—*

12 (1) *explain and stimulate interest in all aspects*
13 *of Indian fish and wildlife management; and*

14 (2) *generate interest in such career positions as*
15 *fisheries or wildlife biologists and fish and wildlife*
16 *management specialists.*

17 (c) *POSTGRADUATE RECRUITMENT.*—*The Secretary*
18 *shall establish and carry out a program to attract Indian*
19 *fish or wildlife biologists and other related professionals who*
20 *have graduated from postsecondary or graduate schools for*
21 *employment by Indian tribes, Indian tribal organizations,*
22 *or the Bureau or other Federal agency serving or benefiting*
23 *Indians in exchange for the assumption by the Secretary*
24 *of all or a portion of the outstanding student loans of the*
25 *employee. The Secretary shall determine the amount of any*

1 *assumption made under the preceding sentence on the basis*
2 *of the period of employment involved.*

3 (d) *FISH AND WILDLIFE BIOLOGIST INTERN PRO-*
4 *GRAM.—*

5 (1) *IN GENERAL.—(A) The Secretary shall, with*
6 *the full and active participation of Indian tribes, es-*
7 *tablish a Fish and Wildlife Resources Intern Program*
8 *(referred to in this subsection as the “Program”). The*
9 *Program shall provide for at least 20 Indian fish and*
10 *wildlife intern positions. Such positions shall be in*
11 *addition to the forester intern positions authorized in*
12 *section 314(a) of the National Indian Forest Re-*
13 *sources Management Act (25 U.S.C. 3113(a)).*

14 (B) *Each individual selected to serve as an in-*
15 *tern under the Program, shall, as a condition to par-*
16 *ticipating as an intern under the Program, be en-*
17 *rolled full-time or part-time in an approved post-*
18 *secondary or graduate program at an institution of*
19 *higher education in a curriculum leading to an ad-*
20 *vanced degree in fish or wildlife resource manage-*
21 *ment-related fields.*

22 (2) *PAYMENT OF COSTS.—The Secretary shall*
23 *pay all costs for tuition, books, fees, and living ex-*
24 *penses incurred by Indian fish and wildlife interns*
25 *while attending approved study programs.*

1 (3) *OBLIGATED SERVICE AGREEMENT.*—Each In-
2 dian fish and wildlife resource intern shall, as a con-
3 dition to participating as an intern in the Program,
4 be required to enter into an obligated service agree-
5 ment to serve in a professional fish or wildlife man-
6 agement-related capacity with an Indian tribe or
7 tribal organization or the Bureau or other Federal
8 agency serving or benefiting Indian fish and wildlife
9 resources (referred to in this subsection as an “em-
10 ploying entity”) for a period equal to the period of
11 time during which the recipient receives assistance
12 under paragraph (2). Except as provided in para-
13 graph (4), the period of obligated service shall com-
14 mence as soon as practicable following completion of
15 the course of study of the recipient.

16 (4) *SCHOLASTIC BREAKS.*—Each Indian fish
17 and wildlife resource intern shall, as a condition to
18 participating as an intern in the Program, be re-
19 quired to report for service with the employing entity
20 of the intern during any break in attendance at an
21 institution of higher education of more than 3 weeks
22 duration. Time spent in such service shall be counted
23 toward satisfaction of the obligated service agreement
24 of the intern referred to in paragraph (3).

25 (e) *COOPERATIVE EDUCATION PROGRAM.*—

1 (1) *IN GENERAL.*—*The Secretary shall carry out*
2 *a cooperative education program (referred to in this*
3 *subsection as the “program”)* for the purpose of re-
4 *cruiting promising Indian students who are enrolled*
5 *in secondary schools, tribally controlled community*
6 *colleges, and other postsecondary or graduate pro-*
7 *grams at institutions of higher education for employ-*
8 *ment as professional fisheries or wildlife biologists or*
9 *in other related professional positions with an Indian*
10 *tribe or tribal organization, or the Bureau or other*
11 *Federal agency serving or benefiting Indians.*

12 (2) *ELIGIBLE INDIAN STUDENTS.*—(A) *Under the*
13 *program, the Secretary shall pay all costs for tuition,*
14 *books, and fees of eligible Indian students selected by*
15 *the Secretary to participate in the program.*

16 (B) *For the purposes of this paragraph, an “eli-*
17 *gible Indian student” is an Indian student who—*

18 (i) *is enrolled in a course of study at an*
19 *educational institution referred to in paragraph*
20 *(1) with which the Secretary has entered into a*
21 *cooperative agreement; and*

22 (ii) *expresses an interest in a career with*
23 *an Indian tribe or tribal organization, or the*
24 *Bureau or other Federal agency serving or bene-*
25 *fitting Indians.*

1 (3) *FINANCIAL NEED NOT A REQUIREMENT.*—*Fi-*
2 *nancial need may not be a requirement to receive as-*
3 *stance under the program.*

4 (4) *OBLIGATED SERVICE AGREEMENT.*—*Each re-*
5 *ipient of assistance under the program, shall be re-*
6 *quired, as a condition of participating in the pro-*
7 *gram, to enter into an obligated service agreement*
8 *under which the recipient agrees to accept employ-*
9 *ment with an Indian tribe or tribal organization, or*
10 *the Bureau or other Federal agency serving or benefit-*
11 *ing Indians for a period equal to the period of time*
12 *during which the recipient receives scholarship assist-*
13 *ance. The period of obligated service shall commence*
14 *as soon as practicable following completion of the*
15 *course of study of the recipient.*

16 (f) *ADEQUACY OF PROGRAMS.*—*The Secretary shall*
17 *provide administrative oversight of the programs described*
18 *in this section until such time as the Secretary determines*
19 *that a sufficient number of personnel are available to ad-*
20 *minister Indian fish and wildlife resource management*
21 *programs.*

22 (g) *OBLIGATED SERVICE; BREACH OF CONTRACT.*—

23 (1) *OBLIGATED SERVICE.*—(A) *If an individual*
24 *enters into an agreement for obligated service in re-*
25 *turn for financial assistance under this section, the*

1 *Secretary shall, pursuant to regulations that the Sec-*
2 *retary shall prescribe, provide for an offer of employ-*
3 *ment that is sufficient for the individual to meet the*
4 *applicable requirements for obligated service under*
5 *this section.*

6 *(B) The regulations prescribed under subpara-*
7 *graph (A) shall specify that if the Secretary fails to*
8 *make an offer of employment in a reasonable manner*
9 *to a recipient of financial assistance subject to an*
10 *agreement for obligated service entered into under this*
11 *section, notwithstanding the terms of the agreement,*
12 *the individual may not be required to carry out the*
13 *obligated service.*

14 *(2) BREACH OF AGREEMENT.—(A) If an individ-*
15 *ual described in paragraph (1) fails to accept a rea-*
16 *sonable offer of employment in fulfillment of an obli-*
17 *gated service requirement under an agreement entered*
18 *into under this section, or unreasonably terminates or*
19 *fails to perform the duties of such employment, the*
20 *Secretary shall require the repayment of the financial*
21 *assistance provided to the individual under the agree-*
22 *ment.*

23 *(B) The amount of the repayment shall—*

1 (i) be pro rated on the basis of any amount
2 of time that the recipient performed the obligated
3 service in accordance with the agreement; and

4 (ii) include interest on the amount deter-
5 mined under clause (i), calculated at the maxi-
6 mum prevailing rate for loan payments, as de-
7 termined by the Secretary of the Treasury.

8 **SEC. 203. INDIAN FISH HATCHERY SYSTEM.**

9 (a) PROGRAM.—The Secretary, with full and active
10 participation of affected Indian tribes and tribal organiza-
11 tions and in a manner consistent with applicable Federal
12 conservation laws, shall establish and administer an Indian
13 Fish Hatchery System within the Bureau to produce and
14 distribute fish of the species, strain, number, size, and qual-
15 ity necessary to assist Indian tribes to develop and admin-
16 ister tribal hatcheries and enhance fisheries resources to
17 meet Indian fish and wildlife resource needs, including In-
18 dian subsistence, ceremonial, recreational, and commercial
19 fisheries needs.

20 (b) REPORT.—

21 (1) IN GENERAL.—Not later than 18 months
22 after the date of enactment of this Act, the Secretary,
23 with the full and active participation of affected In-
24 dian tribes and tribal organizations, shall submit a
25 report, consistent with this subsection, to the Commit-

1 *tee on Indian Affairs of the Senate and the Sub-*
2 *committee on Native Affairs of the Committee on Nat-*
3 *ural Resources of the House of Representatives.*

4 (2) *CONTENT.—The report shall—*

5 (A) *identify the facilities that comprise the*
6 *Indian Fish Hatchery System;*

7 (B) *identify the maintenance, rehabilita-*
8 *tion, and construction needs of such facilities;*

9 (C) *identify the criteria and procedures to*
10 *be used in evaluating and ranking fish and*
11 *hatchery maintenance and rehabilitation project*
12 *proposals submitted by Indian tribes; and*

13 (D) *provide a plan for the administration*
14 *and cost-effective operation of the facilities com-*
15 *prising the Indian Fish Hatchery System.*

16 (c) *CONTRACTING.—Upon the request of any Indian*
17 *tribe, the Secretary shall enter into a contract or annual*
18 *funding agreement with the Indian tribe pursuant to an*
19 *Indian Self-Determination Education and Assistance Act*
20 *(25 U.S.C. 450 et seq.) contract, cooperative agreement, or*
21 *grant, to plan, conduct, and administer the Indian Fish*
22 *Hatchery System, or portions thereof. In carrying out this*
23 *subsection, the Secretary shall ensure adequate consultation*
24 *with all potentially affected Indian tribes in order to resolve*

1 *any outstanding differences between the Secretary and the*
2 *Indian tribe.*

3 (d) *FEDERAL FISH HATCHERY OPERATING AGREE-*
4 *MENTS.—*

5 (1) *IN GENERAL.—With respect to a fish hatch-*
6 *ery that is owned, operated, or funded by a Federal*
7 *agency pursuant to a Federal law and has as a pur-*
8 *pose the mitigation or recovery of fish resources sub-*
9 *ject to treaty rights as determined by a Federal court,*
10 *upon request of an Indian tribe or tribal organiza-*
11 *tion—*

12 (A) *if the entity that owns or operates the*
13 *hatchery is the Department of the Interior, the*
14 *Secretary shall enter into an agreement with the*
15 *affected Indian tribe that meets the requirements*
16 *of paragraph (2); and*

17 (B) *if the entity that owns or operates the*
18 *hatchery is an entity other than the Department*
19 *of the Interior, the owner or operator of the*
20 *hatchery shall enter into an agreement with the*
21 *Secretary and the affected Indian tribe that*
22 *meets the requirements of paragraph (2).*

23 (2) *AGREEMENTS.—An agreement referred to in*
24 *paragraph (1) shall specify the manner in which the*
25 *hatchery facility shall be operated so as to mitigate*

1 out an Indian Bison Conservation Program (referred to in
2 this section as the “Program” to meet tribal subsistence,
3 ceremonial, commercial, and resource needs.

4 (b) *PURPOSES OF PROGRAM.*—If the Secretary estab-
5 lishes the Program pursuant to subsection (a), the Program
6 shall provide for the preservation, restoration, production,
7 care, and management of bison.

8 (c) *USE OF FUNDS.*—Funds made available to Indian
9 tribes pursuant to this section may be used to—

10 (1) develop and implement bison management
11 plans, surveys, and inventories;

12 (2) conduct research on bison populations and
13 habitat;

14 (3) undertake habitat restoration; and

15 (4) develop range ecology and conservation pro-
16 grams.

17 **SEC. 302. INDIAN BISON RANCHING DEMONSTRATION**
18 **PROJECTS.**

19 (a) *IN GENERAL.*—The Secretary, acting through the
20 Bureau, with the full and active participation of affected
21 Indian tribes and tribal organizations, shall establish In-
22 dian Bison Ranching Demonstration Projects to support
23 Indian tribes with respect to the initiation, management,
24 and maintenance of bison ranching operations to meet trib-
25 al subsistence, ceremonial, commercial, and resource needs.

1 **(b) REPORT.**—

2 **(1) IN GENERAL.**—Not later than 18 months
3 after the date of enactment of this Act, the Secretary,
4 with the full and active participation of affected In-
5 dian tribes and tribal organizations, shall submit a
6 report to the Committee on Indian Affairs of the Sen-
7 ate and the Subcommittee on Native American Affairs
8 of the Committee on Natural Resources of the House
9 of Representatives.

10 **(2) CONTENT OF REPORT.**—The report referred
11 to in paragraph (1) shall—

12 **(A)** identify the status and progress of the
13 Indian Bison Ranching Demonstration Projects,
14 including any obstacles experienced by the dem-
15 onstration projects that have impeded the
16 projects in meeting the purposes of the projects;
17 and

18 **(B)** identify the criteria and procedures to
19 be used by the Bureau in evaluating and rank-
20 ing bison ranching operation, maintenance, and
21 rehabilitation project proposals submitted by
22 bison ranching Indian tribes.

1 **TITLE IV—NATIVE HAWAIIAN**
2 **COMMUNITY-BASED FISH-**
3 **ERIES DEMONSTRATION**
4 **PROJECTS**

5 **SEC. 401. FINDINGS.**

6 *Congress finds the following:*

7 (1) *Native Hawaiians are a distinct and unique*
8 *indigenous people with a historical continuity to the*
9 *original inhabitants of the Hawaiian archipelago and*
10 *the society of Native Hawaiians was organized and*
11 *internationally recognized as a nation prior to the*
12 *arrival in Hawaii of the first nonindigenous people*
13 *in 1778.*

14 (2) *At the time of the arrival of the first*
15 *nonindigenous people in Hawaii in 1778, the Native*
16 *Hawaiian people lived in a highly organized, self-suf-*
17 *ficient, subsistence society that was based on a com-*
18 *munal land tenure system and that had a sophisti-*
19 *cated language, culture, and religion.*

20 (3) *As inhabitants of the most isolated archipel-*
21 *ago in the world, the Native Hawaiian people have,*
22 *since time immemorial, relied on their fishery re-*
23 *sources for economic, social, cultural, and spiritual*
24 *sustenance.*

1 (4) *The protection and preservation of tradi-*
2 *tional Native Hawaiian fisheries practices, including*
3 *the management and conservation of fisheries re-*
4 *sources, the enforcement of conservation measures,*
5 *and the integration of such practices with modern*
6 *management and conservation principles, are vital to*
7 *the well-being of the Native Hawaiian people.*

8 (5) *Congress has adopted special laws for the*
9 *benefit of Native Hawaiians and the United States*
10 *recognizes the distinct rights of Native Hawaiians as*
11 *beneficiaries of the Hawaiian Homes Commission*
12 *Act, 1920 (42 Stat. 108 et seq.) and the Act entitled*
13 *“An Act to provide for the admission of the State of*
14 *Hawaii into the Union”, approved March 18, 1959*
15 *(commonly known as the “Hawaii Admission Act”)*
16 *(73 Stat. 4; 48 U.S.C. note prec. 491).*

17 (6) *The United States—*

18 (A) *assumed special responsibilities for Na-*
19 *tive Hawaiian lands and resources—*

20 (i) *at the time of annexation of the ter-*
21 *ritory of Hawaii in 1898,*

22 (ii) *upon the adoption of the Hawai-*
23 *ian Homes Commission Act in 1921, and*

24 (iii) *upon the admission of the State of*
25 *Hawaii into the Union in 1959, and*

1 (B) has retained certain responsibilities de-
2 scribed in subparagraph (A).

3 (7) The United States recognizes that the Federal
4 policy of self-determination and self-governance ex-
5 tends to all Native Americans.

6 **SEC. 402. PURPOSES.**

7 Consistent with the Federal policy of self-determina-
8 tion, the purposes of this title are as follows:

9 (1) To support the involvement of Native Hawai-
10 ians and Native Hawaiian communities in the man-
11 agement, conservation, enforcement, and economic en-
12 hancement of traditional Native Hawaiian fisheries.

13 (2) To protect Native Hawaiian fishing rights
14 and to provide for the planning, management, con-
15 servation, enhancement, orderly development, and
16 wise use of the resources upon which the meaningful
17 exercise of such rights depends.

18 (3) To encourage communications and authorize
19 cooperative agreements between Federal and State
20 agencies responsible for multijurisdictional fisheries
21 resources decisionmaking and Native Hawaiian com-
22 munity-based entities.

23 (4) To authorize and establish Native Hawaiian
24 community-based fisheries demonstration projects.

1 **SEC. 403. DEFINITIONS.**

2 *As used in this title:*

3 (1) *FISHERY.*—*The term “fishery” means the*
4 *harvest and use of one or more stocks of marine fish*
5 *found in the waters surrounding the area that com-*
6 *prises the State of Hawaii.*

7 (2) *NATIVE HAWAIIAN.*—*The term “Native Ha-*
8 *waiian” means any individual who is a descendant*
9 *of the aboriginal Polynesian people and who, prior to*
10 *1778, occupied and exercised sovereignty and self-de-*
11 *termination in the area that comprises the State of*
12 *Hawaii.*

13 (3) *NATIVE HAWAIIAN COMMUNITY-BASED EN-*
14 *TITY.*—*The term “Native Hawaiian community-based*
15 *entity” means any entity or organization that—*

16 (A) *is composed primarily of Native Ha-*
17 *waiian members;*

18 (B) *assists in the social, cultural, and eco-*
19 *nomi c development of Native Hawaiians; and*

20 (C) *has as its primary purpose the protec-*
21 *tion, support, and development of traditional*
22 *fisheries practices.*

23 (4) *WESTERN PACIFIC FISHERY MANAGEMENT*
24 *COUNCIL.*—*The term “Western Pacific Fishery Man-*
25 *agement Council” or “Council” means the Regional*
26 *Council established by section 302(a)(8) of the Mag-*

1 *nuson Fishery Conservation and Management Act (16*
2 *U.S.C. 1852(a)(8)) with authority over the fisheries*
3 *in the Federal waters of the Exclusive Economic Zone*
4 *surrounding American Samoa, Guam, the State of*
5 *Hawaii, and the Commonwealth of the Northern Mar-*
6 *iana Islands.*

7 **SEC. 404. NATIVE HAWAIIAN DEMONSTRATION PROJECTS.**

8 *The Secretary shall make a direct grant to the Western*
9 *Pacific Fishery Management Council to provide funding to*
10 *qualified Native Hawaiian community-based entities (as*
11 *determined by the Council) for the purpose of establishing*
12 *not less than three and not more than five Native Hawaiian*
13 *community-based fishery demonstration projects to foster*
14 *and promote the management, conservation, enforcement,*
15 *and economic enhancement of Native Hawaiian fisheries.*

16 **SEC. 405. ESTABLISHMENT OF A PANEL REVIEW PROCESS.**

17 *(a) IN GENERAL.—*

18 *(1) ESTABLISHMENT OF PANEL REVIEW PROC-*
19 *ESS.—As a condition to receiving the direct grant*
20 *under section 404, the Western Pacific Fishery Man-*
21 *agement Council shall establish a panel review process*
22 *to—*

23 *(A) evaluate applications for demonstration*
24 *project grants made available from funds pro-*

1 *vided to the Western Pacific Fishery Manage-*
2 *ment Council under the direct grant; and*

3 *(B) determine the relative merits of the*
4 *demonstration projects that are the subject of the*
5 *applications.*

6 *(2) APPOINTMENT OF MEMBERS.—To carry out*
7 *the process described in paragraph (1), the Council*
8 *shall appoint as members of the review panel individ-*
9 *uals who are knowledgeable or experienced in Native*
10 *Hawaiian fisheries practices. The members of the re-*
11 *view panel may not be officers or employees of the*
12 *Council.*

13 *(b) REVIEW PROCESS.—For each fiscal year, each re-*
14 *view panel that reviews demonstration project grant appli-*
15 *cations pursuant to this section shall—*

16 *(1) determine the merits of each project described*
17 *in each application reviewed by the panel;*

18 *(2) rank each such application with respect to*
19 *the other applications the Council reviews for the fis-*
20 *cal year according to the relative merit of the projects*
21 *described in such application; and*

22 *(3) submit to the Council a list of the applica-*
23 *tions reviewed by the panel, arranged according to*
24 *ranking determined under paragraph (2).*

1 (c) *DEPARTURE FROM RANKING.*—If the Council
2 awards a grant without regard to the ranking determined
3 by the panel in accordance with subsection (b), upon request
4 by the review panel, the Council shall provide a written
5 explanation, setting forth in detail an explanation of why
6 the Council did not follow the recommendations of the
7 panel.

8 **SEC. 406. DUTIES AND RESPONSIBILITIES OF THE COUNCIL.**

9 *The Western Pacific Fishery Management Council*
10 *shall—*

11 (1) *award, administer, and exercise oversight re-*
12 *sponsibility over the grants made pursuant to section*
13 *404 to qualified Native Hawaiian community-based*
14 *entities; and*

15 (2) *submit an annual report to Congress assess-*
16 *ing the status and progress of the demonstration*
17 *projects, including any obstacles experienced by the*
18 *demonstration projects that have impeded the pur-*
19 *poses of this title.*

20 **SEC. 407. USE OF FUNDS.**

21 *Each demonstration project that receives funding pur-*
22 *suant to this title shall foster and promote the involvement*
23 *of Native Hawaiians and Native Hawaiian communities*
24 *in the management, conservation, enforcement, and eco-*

1 *conomic enhancement of Native Hawaiian fisheries. Each*
2 *such project may include the following:*

3 (1) *The identification and application of tradi-*
4 *tional Native Hawaiian fishery management prac-*
5 *tices.*

6 (2) *The planning, development, and application*
7 *of enforcement plans to protect and conserve off-shore*
8 *and ocean resources, and to enforce existing applica-*
9 *ble Federal and State laws, in cooperation with exist-*
10 *ing Federal and State entities.*

11 (3) *The development of community-based eco-*
12 *nomical enhancement fishery projects.*

13 (4) *Research, community education, and mate-*
14 *rials, including equipment, necessary to accomplish*
15 *the purposes of the demonstration projects under this*
16 *title.*

17 **SEC. 408. ADMINISTRATIVE COSTS.**

18 *For each fiscal year, the amount of funds that the*
19 *Western Pacific Fishery Management Council may use from*
20 *the funds made available as a direct grant to the Western*
21 *Pacific Fishery Management Council under section 404*
22 *may not exceed an amount equal to 7 percent of the funds*
23 *made available to the Secretary to carry out this title.*

1 **SEC. 409. TECHNICAL ASSISTANCE.**

2 *To carry out the purposes specified in section 402, the*
3 *appropriate officials of Federal agencies, State agencies,*
4 *and the Council may provide technical assistance to any*
5 *Native Hawaiian community-based fishery demonstration*
6 *project described in section 404 in meeting the technical as-*
7 *sistance and management needs of the project, as deter-*
8 *mined by the Native Hawaiian community affected by the*
9 *project.*

10 **TITLE V—AUTHORIZATION OF**
11 **APPROPRIATIONS**

12 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

13 *There are authorized to be appropriated such sums as*
14 *are necessary to carry out this Act.*

15 **TITLE VI—MISCELLANEOUS**
16 **PROVISIONS**

17 **SEC. 601. REGULATIONS.**

18 *Except as otherwise provided in this Act, not later*
19 *than 2 years after the date of enactment of this Act, the*
20 *Secretary, acting through the Bureau, shall prescribe final*
21 *regulations to carry out this Act. The regulations prescribed*
22 *by the Secretary, acting through the Bureau, pursuant to*
23 *this Act shall be developed with the full and active partici-*
24 *pation of affected Indian tribes and tribal organizations.*

1 **SEC. 602. TRUST RESPONSIBILITY.**

2 (a) *IN GENERAL.*—With respect to any action by the
3 Federal Government that affects Indian fish and wildlife
4 resources, the appropriate official of a Federal agency shall
5 fully consult with and seek the participation of the affected
6 Indian tribes in a manner consistent with the Federal trust
7 responsibility and the government-to-government relation-
8 ship between Indian tribes and the Federal Government.

9 (b) *STATUTORY CONSTRUCTION.*—

10 (1) *TRUST RESPONSIBILITY.*—Nothing in this
11 Act may be construed to diminish or expand the trust
12 responsibility of the United States for Indian natural
13 resources, or any legal obligation or remedy resulting
14 from such trust responsibility.

15 (2) *ALASKA NATIVES.*—Nothing in this Act may
16 be construed to express congressional intent with re-
17 spect to the political or legal status of Alaska Natives
18 or the governmental status of Native villages or any
19 other entity of Alaska Natives.

20 **SEC. 603. TREATY OBLIGATIONS.**

21 Nothing in this Act may be construed to diminish or
22 adversely affect the right of any Indian tribe established
23 under any Indian treaty or other Federal law or court de-
24 cree in effect on the date of enactment of this Act.

1 **SEC. 604. STATUTORY CONSTRUCTION; APPLICABILITY.**

2 (a) *IN GENERAL.*—Nothing in this Act may be con-
3 strued to—

4 (1) *authorize any expansion or change in the ju-*
5 *isdiction of the Federal Government or the govern-*
6 *ment of a State or Indian tribe in the management*
7 *of fish and wildlife resources; or*

8 (2) *modify or repeal any Federal, State, or trib-*
9 *al conservation law governing the protection and*
10 *management of fish and wildlife resources.*

11 (b) *AGRICULTURE AND FORESTS.*—Nothing in this Act
12 *may diminish or supersede the National Indian Forest Re-*
13 *sources Management Act (25 U.S.C. 3101 et seq.) or the*
14 *American Indian Agricultural Resource Management Act*
15 *(Public Law 103–177; 107 Stat. 2011).*

16 (c) *ALASKA NATIVES.*—Nothing in this Act may be
17 *construed to alter the political or legal status of Alaska Na-*
18 *tives or the governmental status of Native villages or any*
19 *other entity of such Alaska Natives in existence on the date*
20 *of enactment of this Act.*

21 (d) *APPLICABILITY.*—Except as provided in section
22 *201(g), this Act shall not apply to lands and waters located*
23 *within the State of Alaska other than lands and waters con-*
24 *tained within the Annette Island Reserve established by sec-*
25 *tion 15 of the Act of March 3, 1891 (26 Stat. 1101, ch.*
26 *561).*

S 1526 RS—2

S 1526 RS—3

S 1526 RS—4

S 1526 RS—5

S 1526 RS—6