

artificially to provide a forage cover that is managed as native vegetation.

(15) The term “Secretary” means the Secretary of the Interior.

(Pub. L. 103-177, §4, Dec. 3, 1993, 107 Stat. 2012.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (10), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

SUBCHAPTER I—RANGELAND AND FARMLAND ENHANCEMENT

§ 3711. Management of Indian rangelands and farmlands

(a) Management objectives

Consistent with the provisions of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.], the Secretary shall provide for the management of Indian agricultural lands to achieve the following objectives:

(1) To protect, conserve, utilize, and maintain the highest productive potential on Indian agricultural lands through the application of sound conservation practices and techniques. These practices and techniques shall be applied to planning, development, inventorying, classification, and management of agricultural resources.

(2) To increase production and expand the diversity and availability of agricultural products for subsistence, income, and employment of Indians and Alaska Natives, through the development of agricultural resources on Indian lands.

(3) To manage agricultural resources consistent with integrated resource management plans in order to protect and maintain other values such as wildlife, fisheries, cultural resources, recreation and to regulate water runoff and minimize soil erosion.

(4) To enable Indian farmers and ranchers to maximize the potential benefits available to them through their land by providing technical assistance, training, and education in conservation practices, management and economics of agribusiness, sources and use of credit and marketing of agricultural products, and other applicable subject areas.

(5) To develop Indian agricultural lands and associated value-added industries of Indians and Indian tribes to promote self-sustaining communities.

(6) To assist trust and restricted Indian landowners in leasing their agricultural lands for a reasonable annual return, consistent with prudent management and conservation practices, and community goals as expressed in the tribal management plans and appropriate tribal ordinances.

(b) Indian agricultural resource management planning program

(1) To meet the management objectives of this section, a 10-year Indian agriculture resource management and monitoring plan shall be developed and implemented as follows:

(A) Pursuant to a self-determination contract or self-governance compact, an Indian tribe may develop or implement an Indian agriculture resource plan. Subject to the provisions of subparagraph (C), the tribe shall have broad discretion in designing and carrying out the planning process.

(B) If a tribe chooses not to contract the development or implementation of the plan, the Secretary shall develop or implement, as appropriate, the plan in close consultation with the affected tribe.

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

(i) determine available agriculture resources;

(ii) identify specific tribal agricultural resource goals and objectives;

(iii) establish management objectives for the resources;

(iv) define critical values of the Indian tribe and its members and provide identified holistic management objectives;

(v) identify actions to be taken to reach established objectives;

(vi) be developed through public meetings;

(vii) use the public meeting records, existing survey documents, reports, and other research from Federal agencies, tribal community colleges, and land grant universities; and

(viii) be completed within three years of the initiation of activity to establish the plan.

(2) Indian agriculture resource management plans developed and approved under this section shall govern the management and administration of Indian agricultural resources and Indian agricultural lands by the Bureau and the Indian tribal government.

(Pub. L. 103-177, title I, §101, Dec. 3, 1993, 107 Stat. 2014.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (a), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

§ 3712. Indian participation in land management activities

(a) Tribal recognition

The Secretary shall conduct all land management activities on Indian agricultural land in accordance with goals and objectives set forth in the approved agricultural resource management plan, in an integrated resource management plan, and in accordance with all tribal laws and ordinances, except in specific instances where such compliance would be contrary to the trust responsibility of the United States.

(b) Tribal laws

Unless otherwise prohibited by Federal law, the Secretary shall comply with tribal laws and ordinances pertaining to Indian agricultural lands, including laws regulating the environment and historic or cultural preservation, and

laws or ordinances adopted by the tribal government to regulate land use or other activities under tribal jurisdiction. The Secretary shall—

- (1) provide assistance in the enforcement of such tribal laws;
- (2) provide notice of such laws to persons or entities undertaking activities on Indian agricultural lands; and
- (3) upon the request of an Indian tribe, require appropriate Federal officials to appear in tribal forums.

(c) Waiver of regulations

In any case in which a regulation or administrative policy of the Department of the Interior conflicts with the objectives of the agricultural resource management plan provided for in section 3711 of this title, or with a tribal law, the Secretary may waive the application of such regulation or administrative policy unless such waiver would constitute a violation of a Federal statute or judicial decision or would conflict with his general trust responsibility under Federal law.

(d) Sovereign immunity

This section does not constitute a waiver of the sovereign immunity of the United States, nor does it authorize tribal justice systems to review actions of the Secretary.

(Pub. L. 103-177, title I, §102, Dec. 3, 1993, 107 Stat. 2015.)

§ 3713. Indian agricultural lands trespass

(a) Civil penalties; regulations

Not later than one year after December 3, 1993, the Secretary shall issue regulations that—

- (1) establish civil penalties for the commission of trespass on Indian agricultural lands, which provide for—
 - (A) collection of the value of the products illegally used or removed plus a penalty of double their values;
 - (B) collection of the costs associated with damage to the Indian agricultural lands caused by the act of trespass; and
 - (C) collection of the costs associated with enforcement of the regulations, including field examination and survey, damage appraisal, investigation assistance and reports, witness expenses, demand letters, court costs, and attorney fees;
- (2) designate responsibility within the Department of the Interior for the detection and investigation of Indian agricultural lands trespass; and
- (3) set forth responsibilities and procedures for the assessment and collection of civil penalties.

(b) Treatment of proceeds

The proceeds of civil penalties collected under this section shall be treated as proceeds from the sale of agricultural products from the Indian agricultural lands upon which such trespass occurred.

(c) Concurrent jurisdiction

Indian tribes which adopt the regulations promulgated by the Secretary pursuant to subsection (a) shall have concurrent jurisdiction

with the United States to enforce the provisions of this section and the regulations promulgated thereunder. The Bureau and other agencies of the Federal Government shall, at the request of the tribal government, defer to tribal prosecutions of Indian agricultural land trespass cases. Tribal court judgments regarding agricultural trespass shall be entitled to full faith and credit in Federal and State courts to the same extent as a Federal court judgment obtained under this section. Nothing in this chapter shall be construed to diminish the sovereign authority of Indian tribes with respect to trespass.

(Pub. L. 103-177, title I, §103, Dec. 3, 1993, 107 Stat. 2015.)

§ 3714. Assessment of Indian agricultural management programs

(a) Assessment

Within six months after December 3, 1993, the Secretary, in consultation with affected Indian tribes, shall enter into a contract with a non-Federal entity knowledgeable in agricultural management on Federal and private lands to conduct an independent assessment of Indian agricultural land management and practices. Such assessment shall be national in scope and shall include a comparative analysis of Federal investment and management efforts for Indian trust and restricted agricultural lands as compared to federally-owned lands managed by other Federal agencies or instrumentalities and as compared to federally-served private lands.

(b) Purposes

The purposes of the assessment shall be—

- (1) to establish a comprehensive assessment of the improvement, funding, and development needs for all Indian agricultural lands;
- (2) to establish a comparison of management and funding provided to comparable lands owned or managed by the Federal Government through Federal agencies other than the Bureau; and
- (3) to identify any obstacles to Indian access to Federal or private programs relating to agriculture or related rural development programs generally available to the public at large.

(c) Implementation

Within one year after December 3, 1993, the Secretary shall provide the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate with a status report on the development of the comparative analysis required by this section and shall file a final report with the Congress not later than 18 months after December 3, 1993.

(Pub. L. 103-177, title I, §104, Dec. 3, 1993, 107 Stat. 2016.)

CHANGE OF NAME

Subcommittee on Native American Affairs changed to Subcommittee on Native American and Insular Affairs.

§ 3715. Leasing of Indian agricultural lands

(a) Authority of Secretary

The Secretary is authorized to—