

creation of employment opportunities and for the development of the economic resources of the tribal government or of individual Indian people if such expenditures are consistent with an overall regional economic activity which has a reasonable likelihood of success and consistent with the purposes specifically applicable to Indian programs in the statute under which the funds are authorized.

(b) Job creation opportunities

(1) In general

Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this chapter, a tribal government may use a percentage of the funds made available under this chapter (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 3409 of this title.

(2) Determination of percentage

The percentage of funds that a tribal government may use under this subsection is the greater of—

- (A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or
- (B) 10 percent.

(c) Limitation

The funds used for an expenditure described in subsection (a) of this section may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula.

(Pub. L. 102-477, §9, Oct. 23, 1992, 106 Stat. 2303; Pub. L. 106-568, title XI, §1103(e), Dec. 27, 2000, 114 Stat. 2932.)

AMENDMENTS

2000—Pub. L. 106-568 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) and (c).

§ 3409. Private sector training placements

A tribal government participating in a demonstration program under this chapter is authorized to utilize funds available under such plan to place participants in training positions with private employers and pay such participants a training allowance or wage for a period not to exceed 12 months, if the tribal government obtains a written agreement from the private employer to provide on-the-job training to such participants and, upon satisfactory completion of the training period, to guarantee permanent employment to such participants for a minimum of 12 months.

(Pub. L. 102-477, §10, Oct. 23, 1992, 106 Stat. 2304.)

§ 3410. Federal responsibilities

(a) Responsibilities of Department of the Interior

Within 180 days following October 23, 1992, the Secretary of the Interior, the Secretary of Labor, the Secretary of Health and Human Services and the Secretary of Education shall enter into an interdepartmental memorandum of agreement providing for the implementation of

the demonstration projects authorized under this chapter. The lead agency for a demonstration program under this chapter shall be the Bureau of Indian Affairs, Department of the Interior. The responsibilities of the lead agency shall include—

(1) the use of a single report format related to the plan for the individual project which shall be used by a tribal government to report on the activities undertaken under the project;

(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by a tribal government to report on all project expenditures;

(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

(4) the provision of technical assistance to a tribal government appropriate to the project, except that a tribal government shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

(b) Report requirements

The single report format shall be developed by the Secretary, consistent with the requirements of this chapter. Such report format, together with records maintained on the consolidated program at the tribal level shall contain such information as will allow a determination that the tribe has complied with the requirements incorporated in its approved plan and will provide assurances to each Secretary that the tribe has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.

(Pub. L. 102-477, §11, Oct. 23, 1992, 106 Stat. 2304.)

§ 3411. No reduction in amounts

In no case shall the amount of Federal funds available to a tribal government involved in any demonstration project be reduced as a result of the enactment of this chapter.

(Pub. L. 102-477, §12, Oct. 23, 1992, 106 Stat. 2304.)

§ 3412. Interagency fund transfers authorized

The Secretary of the Interior, Secretary of Labor, Secretary of Health and Human Services, or the Secretary of Education, as appropriate, is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to a tribal government in order to further the purposes of this chapter.

(Pub. L. 102-477, §13, Oct. 23, 1992, 106 Stat. 2304.)

§ 3413. Administration of funds and overage

(a) Administration of funds

(1) In general

Program funds shall be administered in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount attracted from each program) are spent on allowable activities authorized under such program.

(2) Separate records not required

Nothing in this section shall be construed as requiring the tribe to maintain separate

records tracing any services or activities conducted under its approved plan to the individual programs under which funds were authorized, nor shall the tribe be required to allocate expenditures among such individual programs.

(b) Overage

All administrative costs may be commingled and participating Indian tribes shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes, provided that the overage is used for the purposes provided for under this chapter.

(Pub. L. 102-477, §14, Oct. 23, 1992, 106 Stat. 2305.)

§ 3414. Fiscal accountability

Nothing in this chapter shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to the Single Audit Act of 1984 [31 U.S.C. 7501 et seq.].

(Pub. L. 102-477, §15, Oct. 23, 1992, 106 Stat. 2305.)

REFERENCES IN TEXT

The Single Audit Act of 1984, referred to in text, is Pub. L. 98-502, Oct. 19, 1984, 98 Stat. 2327, which enacted chapter 75 (§7501 et seq.) of Title 31, Money and Finance, and provisions set out as notes under section 7501 of Title 31. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 7501 of Title 31 and Tables.

§ 3415. Report on statutory obstacles to program integration

(a) Preliminary report

Not later than two years after October 23, 1992, the Secretary shall submit a preliminary report to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives on the status of the implementation of the demonstration program authorized under this chapter.

(b) Final report

Not later than five years after October 23, 1992, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Education and Labor of the House of Representatives on the results of the implementation of the demonstration program authorized under this chapter. Such report shall identify statutory barriers to the ability of tribal governments to integrate more effectively their employment, training, and related services in a manner consistent with the purposes of this chapter.

(Pub. L. 102-477, §16, Oct. 23, 1992, 106 Stat. 2305; Pub. L. 103-437, §10(e)(1), (2)(C), Nov. 2, 1994, 108 Stat. 4589.)

AMENDMENTS

1994—Subsecs. (a), (b). Pub. L. 103-437 substituted “Committee on Indian” for “Select Committee on Indian” and “Natural Resources” for “Interior and Insular Affairs”.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and

the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§ 3416. Labor market information on Indian work force

(a) Report

The Secretary, in consultation with the Secretary of Labor, shall, in a consistent and reliable manner, develop, maintain and publish, not less than biennially, a report on the population, by gender, eligible for the services which the Secretary provides to Indian people. The report shall include, but is not limited to, information at the national level by State, Bureau of Indian Affairs Service area, and tribal level for the—

(1) total service population;

(2) the service population under age 16 and over 64;

(3) the population available for work, including those not considered to be actively seeking work;

(4) the employed population, including those employed with annual earnings below the poverty line; and

(5) the numbers employed in private sector positions and in public sector positions.

(b) Indian demographic information

The Secretary, in consultation with the Bureau of the Census of the Department of Commerce, and the National Center for Native American Studies and Policy Development authorized by Public Law 101-301, shall prepare a report on the need for comprehensive, accurate and periodically updated information on the size and characteristics of the Indian and Alaska Native population throughout the entire United States. This report shall include the need for information, together with the cost of acquiring such information, on the characteristics and need for education, health, housing, job training, and other basic needs of such population, and shall take into consideration the need for this information by Indian tribes and organizations serving Indians in nonreservation areas. The report shall be submitted to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Education and Labor of the House of Representatives not later than 12 months after October 23, 1992.

(Pub. L. 102-477, §17, Oct. 23, 1992, 106 Stat. 2305; Pub. L. 103-437, §10(e)(1), (2)(C), Nov. 2, 1994, 108 Stat. 4589.)

REFERENCES IN TEXT

Public Law 101-301, referred to in subsec. (b), is Pub. L. 101-301, May 24, 1990, 104 Stat. 206. Section 11 of Pub. L. 101-301, which authorized feasibility study for the establishment of a National Center for Native American Studies and Policy Development, is not classified to the Code. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-437 substituted “Committee on Indian” for “Select Committee on Indian” and “Natural Resources” for “Interior and Insular Affairs”.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and