

(2) may be treated as providing services to the tribe or organization if the student provides services for members of the tribe or organization that are approved by the tribe or organization and agreed to by the student even though such services are performed while the student is employed by a Federal, State, or local agency or instrumentality or by a nonprofit or for-profit private institution or organization; and

(3) may obtain the benefits of a waiver or suspension in accordance with the requirements of subsection (c) of this section.

**(c) Waiver and suspension of service agreement**

**(1) Waiver**

An Indian tribe or tribal organization may, by formal action, waive the service agreement of an Indian student for just cause, as determined in accordance with regulations prescribed by the Secretary. The tribe or organization shall notify the Secretary in writing of any waiver granted under this subsection.

**(2) Suspension**

The obligation of a student to perform services under a critical area service agreement—

(A) shall be suspended for not more than 18 months if, at the request of the student, the tribe or organization determines that there are no employment opportunities available in any critical service area; and

(B) shall be suspended if the student ceases to attend an institution of higher education as a consequence of an institutional determination of unsatisfactory performance.

If, at the end of a period of suspension under subparagraph (A), there are still no employment opportunities available in any critical service area, the student's obligations under the agreement shall terminate. A suspension under subparagraph (B) shall be reviewed by the tribe or organization annually, but may be continued indefinitely.

**(d) Pro rata reduction for partial services**

The Secretary shall, by regulation, provide for the pro rata reduction of repayment obligations under subsection (a)(2) of this section in the case of any student who partially completes the service obligation of that student under subsection (a)(2)(A) of this section.

**(e) Certification of service**

An Indian tribe or tribal organization receiving services under a critical area service agreement—

(1) shall establish procedures for monitoring and evaluating the provisions of this subchapter, and provide a copy of such procedures to the Secretary and to each individual providing services under a critical area service agreement;

(2) shall annually certify to the Secretary the identities of the individuals performing service under such agreements; and

(3) shall annually certify to the Secretary the amount of service performed, and the amount remaining to be performed, by each such individual under such agreements.

(Pub. L. 102-325, title XIII, §1324, July 23, 1992, 106 Stat. 803.)

REFERENCES IN TEXT

Section 3323(b) of this title, referred to in subsec. (a)(2)(A), was in the original a reference to "section 1322(b)", meaning section 1322(b) of Pub. L. 102-325, which has been translated as reading section 1323(b) of Pub. L. 102-325 to reflect the probable intent of Congress because section 1322 does not have a subsec. (b) and section 1323(b) relates to designation of critical areas by tribes.

**§ 3325. General provisions**

**(a) Application of existing procedures**

Except as provided in subsection (b) of this section, the requirements relating to student eligibility, needs analysis, and determination of eligibility for the program to be attended regularly incorporated by reference into contracts under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et seq.] for tribal operation of higher education grant programs prior to January 1, 1991, shall apply.

**(b) Additional, excess, and incremental costs**

The tribe or tribal organization may establish in writing, subject to the review of the Secretary, procedures for determining additional, excess, or inducement costs to be associated with grants for critical area service agreements.

(Pub. L. 102-325, title XIII, §1325, July 23, 1992, 106 Stat. 805.)

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, as amended, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

SUBCHAPTER III—TRIBAL DEVELOPMENT STUDENT ASSISTANCE REVOLVING LOAN PROGRAM

**§§ 3331 to 3338. Repealed. Pub. L. 105-332, § 6(b)(1), Oct. 31, 1998, 112 Stat. 3128**

Section 3331, Pub. L. 102-325, title XIII, §1341, July 23, 1992, 106 Stat. 809, provided that subchapter could be cited as the "Tribal Development Student Assistance Act".

Section 3332, Pub. L. 102-325, title XIII, §1342, July 23, 1992, 106 Stat. 809, declared congressional findings and purposes.

Section 3333, Pub. L. 102-325, title XIII, §1343, July 23, 1992, 106 Stat. 809, related to revolving fund.

Section 3334, Pub. L. 102-325, title XIII, §1344, July 23, 1992, 106 Stat. 810, related to eligible recipients.

Section 3335, Pub. L. 102-325, title XIII, §1345, July 23, 1992, 106 Stat. 810, related to terms of loans.

Section 3336, Pub. L. 102-325, title XIII, §1346, July 23, 1992, 106 Stat. 811, related to service fulfillment and conditions, repayments, and waivers.

Section 3337, Pub. L. 102-325, title XIII, §1347, July 23, 1992, 106 Stat. 812, related to administration.

Section 3338, Pub. L. 102-325, title XIII, §1348, July 23, 1992, 106 Stat. 812, authorized appropriations.

SUBCHAPTER IV—AMERICAN INDIAN POST-SECONDARY ECONOMIC DEVELOPMENT SCHOLARSHIP

**§§ 3351 to 3355. Repealed. Pub. L. 105-332, § 6(b)(1), Oct. 31, 1998, 112 Stat. 3128**

Section 3351, Pub. L. 102-325, title XIII, §1361, July 23, 1992, 106 Stat. 813, related to American Indian Post-Secondary Economic Development Scholarship.

Section 3352, Pub. L. 102-325, title XIII, §1362, July 23, 1992, 106 Stat. 813, related to Indian scholarships.

Section 3353, Pub. L. 102-325, title XIII, §1363, July 23, 1992, 106 Stat. 813, related to scholarship conditions.

Section 3354, Pub. L. 102-325, title XIII, §1364, July 23, 1992, 106 Stat. 815, required annual reports by Indian tribes receiving grants.

Section 3355, Pub. L. 102-325, title XIII, §1365, July 23, 1992, 106 Stat. 815, authorized appropriations.

#### SUBCHAPTER V—AMERICAN INDIAN TEACHER TRAINING

### § 3371. Repealed. Pub. L. 105-332, § 6(b)(1), Oct. 31, 1998, 112 Stat. 3128

Section, Pub. L. 102-325, title XIII, §1371, July 23, 1992, 106 Stat. 815; Pub. L. 105-244, title I, §102(a)(8)(D), Oct. 7, 1998, 112 Stat. 1619, related to American Indian teacher training.

#### CHAPTER 36—INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES

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### § 3401. Statement of purpose

The purposes of this chapter are to demonstrate how Indian tribal governments can integrate the employment, training and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities and serve tribally-determined goals consistent with the policy of self-determination.

(Pub. L. 102-477, §2, Oct. 23, 1992, 106 Stat. 2302.)

#### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-568, title XI, §1101, Dec. 27, 2000, 114 Stat. 2930, provided that: "This title [amending sections 3402, 3404, and 3406 to 3408 of this title and enacting provisions set out as notes under this section] may be cited as the 'Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000'."

#### SHORT TITLE

Pub. L. 102-477, §1, Oct. 23, 1992, 106 Stat. 2302, provided that: "This Act [enacting this chapter] may be cited as the 'Indian Employment, Training and Related Services Demonstration Act of 1992'."

#### CONGRESSIONAL FINDINGS AND PURPOSES

Pub. L. 106-568, title XI, §1102, Dec. 27, 2000, 114 Stat. 2931, provided that:

"(a) FINDINGS.—The Congress finds that—

"(1) [sic] Indian tribes and Alaska Native organizations that have participated in carrying out programs

under the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

"(A) improved the effectiveness of employment-related services provided by those tribes and organizations to their members;

"(B) enabled more Indian and Alaska Native people to prepare for and secure employment;

"(C) assisted in transitioning tribal members from welfare to work; and

"(D) otherwise demonstrated the value of integrating employment, training, education and related services. [sic]

"(E) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all Federal programs that emphasize the value of work may be included within a demonstration program of an Indian or Alaska Native organization; and

"(F) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of—

"(i) the Department of the Interior; or

"(ii) other Federal agencies that administer programs covered by the Indian Employment, Training, and Related Services Demonstration Act of 1992.

"(b) PURPOSES.—The purposes of this title [see Short Title of 2000 Amendment note above] are to demonstrate how Indian tribal governments can integrate the employment, training, and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-determination and self-governance."

#### REPORT ON EXPANDING OPPORTUNITIES FOR PROGRAM INTEGRATION

Pub. L. 106-568, title XI, §1104, Dec. 27, 2000, 114 Stat. 2932, provided that: "Not later than 1 year after the date of the enactment of this title [Dec. 27, 2000], the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under this title [see Short Title of 2000 Amendment note above] shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives on the opportunities for expanding the integration of human resource development and economic development programs under this title, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated [sic] funds and resources from various agencies for purposes of human resources development, physical infrastructure development, and economic development assistance in general. Such report shall identify programs or activities which might be integrated and make recommendations for the removal of any statutory or other barriers to such integration."

### § 3402. Definitions

For the purposes of this chapter, the following definitions apply:

#### (1) Federal agency

The term "federal<sup>1</sup> agency" has the same meaning given the term "agency" in section 551(1) of title 5.

#### (2) Indian tribe

The terms "Indian tribe" and "tribe" shall have the meaning given the term "Indian tribe" in section 450b(e) of this title.

<sup>1</sup> So in original. Probably should be capitalized.