

ering the disapproval of any waiver requested by the Indian tribe.

(Pub. L. 102-477, § 8, Oct. 23, 1992, 106 Stat. 2303; Pub. L. 106-568, title XI, § 1103(d), Dec. 27, 2000, 114 Stat. 2932.)

#### AMENDMENTS

2000—Pub. L. 106-568 inserted “, including any request for a waiver that is made as part of the plan submitted by the tribal government” after “disapproval of the plan” and “, including reconsidering the disapproval of any waiver requested by the Indian tribe” after “reconsider such disapproval”.

### § 3408. Job creation activities authorized

#### (a) In general

The plan submitted by a tribal government may involve the expenditure of funds for the 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