

**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 "federal¹ 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 5304(e) of this title.

(3) Indian

The term "Indian" shall have the meaning given such term in section 5304(d) of this title.

(4) Secretary

Except where otherwise provided, the term "Secretary" means the Secretary of the Interior.

(Pub. L. 102-477, §3, Oct. 23, 1992, 106 Stat. 2302; Pub. L. 106-568, title XI, §1103(a), Dec. 27, 2000, 114 Stat. 2931.)

AMENDMENTS

2000—Pub. L. 106-568 added par. (1) and redesignated former pars. (1) to (3) as (2) to (4), respectively.

§ 3403. Integration of services authorized

The Secretary of the Interior, in cooperation with the appropriate Secretary of Labor, Sec-

¹ So in original. Probably should be capitalized.

retary of Health and Human Services, or Secretary of Education, shall, upon the receipt of a plan acceptable to the Secretary of the Interior submitted by an Indian tribal government, authorize the tribal government to coordinate, in accordance with such plan, its federally funded employment, training, and related services programs in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

(Pub. L. 102-477, § 4, Oct. 23, 1992, 106 Stat. 2302.)

§ 3404. Programs affected

The programs that may be integrated in a demonstration project under any such plan referred to in section 3403 of this title shall include any program under which an Indian tribe is eligible for receipt of funds under a statutory or administrative formula for the purposes of assisting Indian youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian Youth¹ and adults with the world of work, facilitating the creation of job opportunities and any services related to these activities.

(Pub. L. 102-477, § 5, Oct. 23, 1992, 106 Stat. 2302; Pub. L. 106-568, title XI, § 1103(b), Dec. 27, 2000, 114 Stat. 2931.)

AMENDMENTS

2000—Pub. L. 106-568 substituted “assisting Indian youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian Youth and adults with the world of work, facilitating the creation of job opportunities and any services related to these activities” for “job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training”.

§ 3405. Plan requirements

For a plan to be acceptable pursuant to section 3403 of this title, it shall—

- (1) identify the programs to be integrated;
- (2) be consistent with the purposes of this chapter authorizing the services to be integrated in a demonstration project;
- (3) describe a comprehensive strategy which identifies the full range of potential employment opportunities on and near the tribal government’s service area, and the education, training and related services to be provided to assist Indian workers to access those employment opportunities;
- (4) describe the way in which services are to be integrated and delivered and the results expected from the plan;
- (5) identify the projected expenditures under the plan in a single budget;
- (6) identify the agency or agencies of the tribal government to be involved in the delivery of the services integrated under the plan;
- (7) identify any statutory provisions, regulations, policies, or procedures that the tribal government believes need to be waived in order to implement its plan; and

¹ So in original. Probably should not be capitalized.

(8) be approved by the governing body of the affected tribe.

(Pub. L. 102-477, § 6, Oct. 23, 1992, 106 Stat. 2303.)

§ 3406. Plan review

Upon receipt of the plan from a tribal government, the Secretary of the Interior shall consult with the Secretary of each Federal agency providing funds to be used to implement the plan, and with the tribal government submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures necessary to enable the tribal government to implement its plan. Notwithstanding any other provision of law, the Secretary of the affected agency shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by that agency that has been so identified by such tribal government or agency, unless the Secretary of the affected agency determines that such a waiver is inconsistent with the purposes of this chapter or those provisions of the statute from which the program involved derives its authority which are specifically applicable to Indian programs.

(Pub. L. 102-477, § 7, Oct. 23, 1992, 106 Stat. 2303; Pub. L. 106-568, title XI, § 1103(c), Dec. 27, 2000, 114 Stat. 2932.)

AMENDMENTS

2000—Pub. L. 106-568 substituted “Federal agency” for “Federal department” and “Federal agency regulations” for “Federal departmental regulations”, substituted “agency” for “department” wherever appearing, and inserted “statutory requirement,” after “to waive any”.

§ 3407. Plan approval

Within 90 days after the receipt of a tribal government’s plan by the Secretary, the Secretary shall inform the tribal government, in writing, of the Secretary’s approval or disapproval of the plan, including any request for a waiver that is made as part of the plan submitted by the tribal government. If the plan is disapproved, the tribal government shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval, including reconsidering 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