

AMENDMENTS

2017—Pub. L. 115-93 amended section generally. Prior to amendment, text read as follows: “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 Youth and adults with the world of work, facilitating the creation of job opportunities and any services related to these activities.”

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

A plan submitted to the Secretary for approval under this chapter shall—

- (1) identify the programs to be integrated and consolidated;
- (2) be consistent with the purposes of this chapter;
- (3) describe—
 - (A) a comprehensive strategy identifying the full range of potential employment opportunities on and near the service area of the Indian tribe;
 - (B) the education, training, and related services to be provided to assist Indians to access those employment opportunities;
 - (C) the way in which services and program funds are to be integrated, consolidated, and delivered; and
 - (D) the results expected, including the expected number of program participants in unsubsidized employment during the second quarter after exit from the program, from the plan;
- (4) identify the projected expenditures under the plan in a single budget covering all consolidated funds;
- (5) identify any agency of the Indian tribe to be involved in the delivery of the services integrated under the plan;
- (6) identify any statutory provisions, regulations, policies, or procedures that the Indian tribe believes need to be waived to implement the plan; and
- (7) be approved by the governing body of the Indian tribe.

(Pub. L. 102-477, § 6, Oct. 23, 1992, 106 Stat. 2303; Pub. L. 115-93, § 7, Dec. 18, 2017, 131 Stat. 2028.)

AMENDMENTS

2017—Pub. L. 115-93 amended section generally. Prior to amendment, section related to plan requirements, consisting of eight pars.

§ 3406. Plan review**(a) In general**

Upon receipt of a plan from an Indian tribe, the Secretary shall consult with—

- (1) the head of each Federal agency overseeing a program identified in the plan; and

(2) the Indian tribe that submitted the plan.

(b) Identification of waivers

The parties identified in subsection (a) shall identify any waivers of applicable statutory, regulatory, or administrative requirements, or of Federal agency policies or procedures necessary to enable the Indian tribe to efficiently implement the plan.

(c) Tribal waiver request

In consultation with the Secretary, a participating Indian tribe may request that the head of each affected agency waive any statutory, regulatory, or administrative requirement, policy, or procedure identified subsection¹ (b).

(d) Waiver authority**(1) In general**

Except as provided in paragraph (2), notwithstanding any other provision of law, the head of each affected Federal agency shall waive any applicable statutory, regulatory, or administrative requirement, regulation, policy, or procedure promulgated by the agency that has been identified by the parties under subparagraph² (b).

(2) Exception

The head of an affected Federal agency shall not grant a waiver under paragraph (1) if the head of the affected agency determines that a waiver will be inconsistent with—

- (A) the purposes of this chapter; or
- (B) the provision of law from which the program included in the plan derives its authority that is specifically applicable to Indians.

(e) Decision on waiver request**(1) In general**

Not later than 90 days after the head of an affected agency receives a waiver request, the head of the affected agency shall decide whether to grant or deny the request.

(2) Denial of request

If the head of the affected agency denies a waiver request, not later than 30 days after the date on which the denial is made, the head of the affected agency shall provide the requesting Indian tribe and the Secretary with written notice of the denial and the reasons for the denial.

(3) Failure to act on request

If the head of an affected agency does not make a decision under paragraph (1) by the deadline identified in that paragraph, the request shall be considered to be granted.

(f) Secretarial review

If the head of an affected agency denies a waiver request under subsection (e)(2), not later than 30 days after the date on which the request is denied, the Secretary shall review the denial and determine whether granting the waiver—

- (1) will be inconsistent with the provisions of this chapter; or
- (2) will prevent the affected agency from fulfilling the obligations of the affected agency under this chapter.

¹ So in original.

² So in original. Probably should be “subsection”.