

(Pub. L. 102-477, § 4, Oct. 23, 1992, 106 Stat. 2302; Pub. L. 115-93, § 5, Dec. 18, 2017, 131 Stat. 2027.)

AMENDMENTS

2017—Pub. L. 115-93 amended section generally. Prior to amendment, text read as follows: “The Secretary of the Interior, in cooperation with the appropriate Secretary of Labor, Secretary 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.”

§ 3404. Programs affected

(a) Programs affected

(1) In general

The programs that may be integrated pursuant to a plan approved under section 3407 of this title shall be only programs—

(A) implemented for the purpose of—

- (i) job training;
- (ii) welfare to work and tribal work experience;
- (iii) creating or enhancing employment opportunities;
- (iv) skill development;
- (v) assisting Indian youth and adults to succeed in the workforce;
- (vi) encouraging self-sufficiency;
- (vii) familiarizing individual participants with the world of work;
- (viii) facilitating the creation of job opportunities;
- (ix) economic development; or
- (x) any services related to the activities described in clauses (i) through (x); and

(B) under which an Indian tribe or members of an Indian tribe—

- (i) are eligible to receive funds—
 - (I) under a statutory or administrative formula making funds available to an Indian tribe; or
 - (II) based solely or in part on their status as Indians under Federal law; or
- (ii) have secured funds as a result of a noncompetitive process or a specific designation.

(2) Treatment of block grant funds

For purposes of this section, programs funded by block grant funds provided to an Indian tribe, regardless of whether the block grant is for the benefit of the Indian tribe because of the status of the Indian tribe or the status of the beneficiaries the grant serves, shall be eligible to be integrated into the plan.

(b) Program authorization

The Secretary shall, in cooperation with the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Secretary of Housing and Urban Development, the Secretary

of Labor, the Secretary of Transportation, and the Secretary of Veterans Affairs, after the Secretary approves a plan submitted by an Indian tribe or tribal organization under section 3407 of this title, authorize the Indian tribe or tribal organization, as applicable, to coordinate, in accordance with the plan, federally funded employment, training, and related services programs and funding in a manner that integrates the programs and funding into a consolidated and comprehensive program.

(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; Pub. L. 115-93, § 6, Dec. 18, 2017, 131 Stat. 2027.)

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.

¹ So in original.

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

(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.

(g) Interagency dispute resolution

(1) In general

Not later than 30 days after the date on which the Secretary determines that granting the waiver will not be inconsistent with the provisions of this chapter and will not prevent the affected agency from fulfilling the obligations of the affected agency under this chapter, the Secretary shall establish and initiate an interagency dispute resolution process involving—

- (A) the Secretary;
- (B) the participating Indian tribe; and
- (C) the head of the affected agency.

(2) Duration

A dispute subject to paragraph (1) shall be resolved not later than 30 days after the date on which the process is initiated.

(h) Final authority

If the dispute resolution process fails to resolve the dispute between a participating Indian tribe and an affected agency, the head of the affected agency shall have the final authority to resolve the dispute.

(i) Final decision

Not later than 10 days after the date on which the dispute is resolved under this section, the Secretary shall provide the requesting Indian tribe with—

- (1) the final decision on the waiver request; and
- (2) notice of the right to file an appeal in accordance with the applicable provisions described in section 3407(d) of this title.

(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; Pub. L. 115-93, §8, Dec. 18, 2017, 131 Stat. 2029.)

AMENDMENTS

2017—Pub. L. 115-93 amended section generally. Prior to amendment, text read as follows: “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