

114 Stat. 2932; Pub. L. 115–93, §9, Dec. 18, 2017, 131 Stat. 2030.)

AMENDMENTS

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

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) 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. Employer training placements**

**(a) In general**

Subject to subsection (b), an Indian tribe that has in place an approved plan under this chapter may use the funds made available for the plan under this chapter—

- (1) to place participants in training positions with employers; and
- (2) to pay the participants a training allowance or wage for a training period of not more than 24 months, which may be nonconsecutive.

**(b) Requirements**

An Indian tribe may carry out subsection (a) only if the Indian tribe enters into a written agreement with each applicable employer under which the employer shall agree—

- (1) to provide on-the-job training to the participants; and
- (2) on satisfactory completion of the training period described in subsection (a)(2), to prioritize the provision of permanent employment to the participants.

(Pub. L. 102–477, §10, Oct. 23, 1992, 106 Stat. 2304; Pub. L. 115–93, §10, Dec. 18, 2017, 131 Stat. 2032.)

AMENDMENTS

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

**§ 3410. Federal responsibilities**

**(a) Lead agency**

**(1) In general**

Notwithstanding any other provision of law, the lead agency responsible for implementation of this chapter shall be the Bureau of Indian Affairs.

**(2) Inclusions**

The responsibilities of the Director of the Bureau of Indian Affairs in carrying out this chapter shall include—

- (A) in coordination with the head of each Federal agency overseeing a program identified in the plan, the development of a single model report for each Indian tribe that has in place an approved plan under this chapter to submit to the Director reports on any consolidated activities undertaken and joint expenditures made under the plan;
- (B) the provision, directly or through contract, of appropriate voluntary and technical assistance to participating Indian tribes;
- (C) the development and use of a single monitoring and oversight system for plans approved under this chapter;
- (D)(i) the receipt of all funds covered by a plan approved under this chapter; and
- (ii) the distribution of the funds to the respective Indian tribes by not later than 45