

Tribes Act), the Secretary shall interpret each Federal law and regulation in a manner that facilitates—

- (1) the inclusion of programs in funding agreements; and
- (2) the implementation of funding agreements.

(b) Regulation waiver

(1) Request

An Indian Tribe may submit to the Secretary a written request for a waiver of applicability of a Federal regulation, including—

- (A) an identification of the specific text in the regulation sought to be waived; and
- (B) the basis for the request.

(2) Determination by the secretary

Not later than 120 days after receipt by the Secretary and the designated officials under paragraph (4) of a request under paragraph (1), the Secretary shall approve or deny the requested waiver in writing to the Indian Tribe.

(3) Extensions

The deadline described in paragraph (2) may be extended for any length of time, as agreed upon by both the Indian Tribe and the Secretary.

(4) Designated officials

The Secretary shall designate one or more appropriate officials in the Department to receive a copy of the waiver request described in paragraph (1).

(5) Grounds for denial

The Secretary may deny a request under paragraph (1) upon a specific finding by the Secretary that the identified text in the regulation may not be waived because such a waiver is prohibited by Federal law.

(6) Failure to make determination

If the Secretary fails to make a determination with respect to a waiver request within the period specified in paragraph (2) (including any extension agreed to under paragraph (3)), the Secretary shall be deemed to have agreed to the request, except that for a waiver request relating to programs eligible under section 5363(b)(2) or section 5363(c) of this title, the Secretary shall be deemed to have denied the request.

(7) Finality

A decision of the Secretary under this section shall be final for the Department.

(Pub. L. 93-638, title IV, §409, as added Pub. L. 116-180, title I, §101(e), Oct. 21, 2020, 134 Stat. 874.)

Editorial Notes

REFERENCES IN TEXT

Section 101(a) of the PROGRESS for Indian Tribes Act, referred to in subsec. (a), is section 101(a) of Pub. L. 116-180, which is set out as a note under section 5361 of this title.

§ 5370. Discretionary application of other sections

(a) In general

Except as otherwise provided in section 201(d) of the PROGRESS for Indian Tribes Act, at the

option of a participating Indian Tribe or Indian Tribes, any of the provisions of subchapter I may be incorporated in any compact or funding agreement under this subchapter. The inclusion of any such provision shall be subject to, and shall not conflict with, section 101(a) of such Act.

(b) Effect

Each incorporated provision under subsection (a) shall—

- (1) have the same force and effect as if set out in full in this subchapter;
- (2) supplement or replace any related provision in this subchapter; and
- (3) apply to any agency otherwise governed by this subchapter.

(c) Effective date

If an Indian Tribe requests incorporation at the negotiation stage of a compact or funding agreement, the incorporation shall—

- (1) be effective immediately; and
- (2) control the negotiation and resulting compact and funding agreement.

(Pub. L. 93-638, title IV, §410, as added Pub. L. 116-180, title I, §101(e), Oct. 21, 2020, 134 Stat. 875.)

Editorial Notes

REFERENCES IN TEXT

Sections 101(a) and 201(d) of the PROGRESS for Indian Tribes Act, referred to in subsec. (a), are sections 101(a) and 201(d) of Pub. L. 116-180, which are set out as notes under section 5361 of this title.

Subchapter I, referred to in subsec. (a), was in the original “title I”, meaning title I of Pub. L. 93-638, known as the Indian Self-Determination Act, which is classified principally to subchapter I (§5321 et seq.) of this chapter. For complete classification of title I to the Code, see Short Title note set out under section 5301 of this title and Tables.

§ 5371. Annual budget list

The Secretary shall list, in the annual budget request submitted to Congress under section 1105 of title 31, any funds proposed to be included in funding agreements authorized under this subchapter.

(Pub. L. 93-638, title IV, §411, as added Pub. L. 116-180, title I, §101(e), Oct. 21, 2020, 134 Stat. 876.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5364 of this title prior to repeal by Pub. L. 116-180.

§ 5372. Reports

(a) In general

(1) Requirement

On January 1 of each year, the Secretary shall submit to Congress a report regarding the administration of this subchapter.

(2) Analysis

Any Indian Tribe may submit to the Office of Self-Governance and to the appropriate