

UNITED STATES PUBLIC LAWS
102ND CONGRESS-SECOND SESSION

PUBLIC LAW 102-47

An Act

OCTOBER 23, 1992
[S. 1530]

To authorize the integration of employment, training, and related services provided by Indian Indian tribal governments.

INDIAN
EMPLOYMENT,
TRAINING AND
RELATED SERVICES
DEMONSTRATION
ACT OF 1992
25 USC 3401
note.
25 USC 3401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Employment, Training and Related Services Demonstration Act of 1992".

SEC. 2 STATEMENT OF PURPOSE.

The purposes of this Act 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.

25 USC 3402

SEC. 3 DEFINITIONS.

For the purposes of this Act, the following definitions apply:

- (1) Indian tribe. The terms "Indian tribe" and "tribe" shall have the meaning given the term "Indian tribe" in section 4(e) of the Indian Self-Determination and Education Assistance Act.
- (2) Indian. The term "Indian" shall have the meaning given such term in section 4(d) of the Indian Self-Determination and Education Assistance Act.
- (3) Secretary. Except where otherwise provided, the term "Secretary" means the Secretary of the Interior.

25 USC 3403

SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

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.

25 USC 3404

SEC. 5. PROGRAMS AFFECTED.

The programs that may be integrated in a demonstration project under any such plan referred to in section 4 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 job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training.

102 P.L. 477, *; 106 Stat. 2302, **;
1992 Enacted S. 1530; 102 Enacted S. 1530

25 USC 3405

SEC. 6. PLAN REQUIREMENTS.

For a plan to be acceptable pursuant to section 4, it shall --

- (1) identify the programs to be integrated;
- (2) be consistent with the purposes of this Act 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
- (8) be approved by the governing body of the affected tribe.

25 USC 3406

SEC. 7. PLAN REVIEW.

Upon receipt of the plan from a tribal government, the Secretary of the Interior shall consult with the Secretary of each Federal department 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 departmental 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 department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by such tribal government or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the purposes of this Act or those provisions of the statute from which the program involved derives its authority which are specifically applicable to Indian programs.

25 USC 3407

SEC. 8. 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. 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.

25 USC 3408

SEC. 9. JOB CREATION ACTIVITIES AUTHORIZED.

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.

25 USC 3409

SEC. 10. PRIVATE SECTOR TRAINING PLACEMENTS.

A tribal government participating in a demonstration program under this Act 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

102 P.L. 477, *; 106 Stat. 2302, **;
1992 Enacted S. 1530; 102 Enacted S. 1530

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.

25 USC 3410

SEC. 11. FEDERAL RESPONSIBILITIES.

(a) Responsibilities of the Department of the Interior. Within 180 days following the date of enactment of this Act, the Secretary of the Interior, the Secretary of Labor, the Secretary of Health and Human Services and the Secretary of Education shall enter into an interdepartmental memorandum of agreement providing for the implementation of the demonstration projects authorized under this Act. The lead agency for a demonstration program under this Act shall be the Bureau of Indian Affairs, Department of the Interior. The responsibilities of the lead agency shall include --

- (1) the use of a single report format related to the plan for the individual project which shall be used by a tribal government to report on the activities undertaken under the project;
- (2) the use of a single report format related to the projected expenditures for the individual project which shall be used by a tribal government to report on all project expenditures;
- (3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and
- (4) the provision of technical assistance to a tribal government appropriate to the project, except that a tribal government shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

(b) Report Requirements. The single report format shall be developed by the Secretary, consistent with the requirements of this Act. Such report format, together with records maintained on the consolidated program at the tribal level shall contain such information as will allow a determination that the tribe has complied with the requirements incorporated in its approved plan and will provide assurances to each Secretary that the tribe has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.

25 USC 3411

SEC. 12. NO REDUCTION IN AMOUNTS.

In no case shall the amount of Federal funds available to a tribal government involved in any demonstration project be reduced as a result of the enactment of this Act.

25 USC 3412

SEC. 13. INTERAGENCY FUND TRANSFERS AUTHORIZED.

The Secretary of the Interior, Secretary of Labor, Secretary of Health and Human Services, or the Secretary of Education, as appropriate, is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise [**2305] available to a tribal government in order to further the purposes of this Act.

25 USC 3413

SEC. 14. ADMINISTRATION OF FUNDS AND OVERAGE.

(a) Administration of Funds. --

- (1) In general. Program funds shall be administered in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount attracted from each program) are spent on allowable activities authorized under such program.
- (2) Separate records not required. Nothing in this section shall be construed as requiring the tribe to maintain separate records tracing any services or activities conducted under its

102 P.L. 477, *; 106 Stat. 2302, **;
1992 Enacted S. 1530; 102 Enacted S. 1530

approved plan to the individual programs under which funds were authorized, nor shall the tribe be required to allocate expenditures among such individual programs.

(b) **Overage.** All administrative costs may be commingled and participating Indian tribes shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes, provided that the overage is used for the purposes provided for under this Act.

25 USC 3414

SEC. 15. FISCAL ACCOUNTABILITY.

Nothing in this Act shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to the Single Audit Act of 1984.

25 USC 3415

SEC. 16. REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.

(a) **Preliminary Report.** Not later than two years after the date of the enactment of this Act, the Secretary shall submit a preliminary report to the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives on the status of the implementation of the demonstration program authorized under this Act.

(b) **Final Report.** Not later than five years after the date of the enactment of this Act, the Secretary shall submit a report to the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs and the Committee on Education and Labor of the House of Representatives on the results of the implementation of the demonstration program authorized under this Act. Such report shall identify statutory barriers to the ability of tribal governments to integrate more effectively their employment, training, and related services in a manner consistent with the purposes of this Act.

25 USC 3416

SEC. 17. LABOR MARKET INFORMATION ON THE INDIAN WORK FORCE.

(a) **Report.** The Secretary, in consultation with the Secretary of Labor, shall, in a consistent and reliable manner, develop, maintain and publish, not less than biennially, a report on the population, by gender, eligible for the services which the Secretary provides to Indian people. The report shall include, but is not limited to, information at the national level by State, Bureau of Indian Affairs Service area, and tribal level for the --

- (1) total service population;
- (2) the service population under age 16 and over 64;
- (3) the population available for work, including those not considered to be actively seeking work;
- (4) the employed population, including those employed with annual earnings below the poverty line; and
- (5) the numbers employed in private sector positions and in public sector positions.

Reports

(b) **Indian Demographic Information.** The Secretary, in consultation with the Bureau of the Census of the Department of Commerce, and the National Center for Native American Studies and Policy Development authorized by Public Law 101-301, shall prepare a report on the need for comprehensive, accurate and periodically updated information on the size and characteristics of the Indian and Alaska Native population throughout the entire United States. This report shall include the need for information, together with the cost of acquiring such information, on the characteristics and need for education, health, housing, job training, and other basic needs of such population, and shall take into consideration the need for this information by Indian tribes and organizations serving Indians in nonreservation areas. The report shall be submitted to the Select Committee on Indian Affairs of the Senate and the

102 P.L. 477, *, 106 Stat. 2302, **;
1992 Enacted S. 1530; 102 Enacted S. 1530

Committee on Interior and Insular Affairs and the Committee on Education and Labor of the House of Representatives not later than 12 months after the date of enactment of this Act.

25 USC 3417

SEC. 18. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN
ECONOMIC DEVELOPMENT PROGRAMS.

Any State with an economic development program targeted to Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of the Intergovernmental Personnel Act of 1970, may deem appropriate to help ensure the success of such program.

Approved October 23, 1992

Speaker of the House of Representatives.
Vice President of the United States and
President of the Senate.

DESCRIPTORS:

DEPARTMENT OF INTERIOR;
DEPARTMENT OF HEALTH AND HUMAN SERVICES;
DEPARTMENT OF LABOR; FEDERAL INTERAGENCY RELATIONS;
DEPARTMENT OF EDUCATION; INDIANS;
BUREAU OF INDIAN AFFAIRS; DEMONSTRATION AND PILOT PROJECTS;
EMPLOYMENT SERVICES; MANPOWER TRAINING PROGRAMS;
FEDERAL AID PROGRAMS

102 P.L. 477, *; 106 Stat. 2302, **;
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TITLE XI—INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES

SEC. 1101. SHORT TITLE.

This title may be cited as the “Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000”.
114 STAT. 2931 PUBLIC LAW 106–568—DEC. 27, 2000

25 USC 3401

note.

Indian

Employment,

Training, and

Related Services

Demonstration

Act Amendments
of 2000.

SEC. 1102. FINDINGS, PURPOSES.

a) FINDINGS.—The Congress finds that—

(1) 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.

(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 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.

SEC. 1103. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

102 P.L. 477, *; 106 Stat. 2302, **;

1992 Enacted S. 1530; 102 Enacted S. 1530

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

“(1) FEDERAL AGENCY.—The term ‘federal agency’ has the same meaning given the term ‘agency’ in section 551(1) of title 5, United States Code.”.

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking “job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training” and inserting the following: “assisting Indian youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian Youth and adults with the world

25 USC 3401

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of work, facilitating the creation of job opportunities and any services related to these activities”.

(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking “Federal department” and inserting “Federal agency”;

(2) by striking “Federal departmental” and inserting “Federal agency”;

(3) by striking “department” each place it appears and inserting “agency”; and

(4) in the third sentence, by inserting “statutory requirement,” after “to waive any”.

(d) PLAN APPROVAL.—Section 8 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) in the first sentence, by inserting before the period at the end the following: “, including any request for a waiver that is made as part of the plan submitted by the tribal government”;

and

(2) in the second sentence, by inserting before the period at the end the following: “, including reconsidering the disapproval of any waiver requested by the Indian tribe”.

(e) JOB CREATION ACTIVITIES AUTHORIZED.—Section 9 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The plan submitted”;

and

(2) by adding at the end the following:

“(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 Act, a tribal government may use a percentage of the funds made available under this Act (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector

training placement under section 10.

“(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.”

SEC. 1104. REPORT ON EXPANDING THE OPPORTUNITIES FOR PROGRAM INTEGRATION.

Not later than 1 year after the date of the enactment of this title, 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 shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the opportunities for expanding the integration of human resource

Deadline.

25 USC 3401

note.

25 USC 3408.

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development and economic development programs under this title, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated 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.