

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5671

To amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Employment,  
5 Training and Related Services Consolidation Act of  
6 2014”.

1 **SEC. 2. AMENDMENT OF SHORT TITLE.**

2 (a) IN GENERAL.—Section 1 of the Indian Employ-  
3 ment, Training and Related Services Demonstration Act  
4 of 1992 (25 U.S.C. 3401 note; 106 Stat. 2302) is amend-  
5 ed to read as follows:

6 **“SECTION 1. SHORT TITLE.**

7 “This Act may be cited as the ‘Indian Employment,  
8 Training and Related Services Act of 1992’.”.

9 (b) REFERENCES.—Any reference in law to the “In-  
10 dian Employment, Training and Related Services Dem-  
11 onstration Act of 1992” shall be deemed to be a reference  
12 to the “Indian Employment, Training and Related Serv-  
13 ices Act of 1992”.

14 **SEC. 3. STATEMENT OF PURPOSE.**

15 Section 2 of the Indian Employment, Training and  
16 Related Services Act of 1992 (25 U.S.C. 3401) is amend-  
17 ed—

18 (1) by striking “The purposes of this Act are  
19 to demonstrate how Indian tribal governments can”  
20 and inserting “The purpose of this Act is to facili-  
21 tate the ability of Indian tribes and tribal organiza-  
22 tions to”;

23 (2) by inserting “from diverse Federal sources”  
24 after “they provide”;

25 (3) by striking “and serve tribally-determined”  
26 and inserting “, and serve tribally determined”; and

1           (4) by inserting “, while reducing administra-  
2           tive, reporting, and accounting costs” after “policy  
3           of self-determination”.

4 **SEC. 4. DEFINITIONS.**

5           Section 3 of the Indian Employment, Training and  
6 Related Services Act of 1992 (25 U.S.C. 3402) is amend-  
7 ed—

8           (1) by striking paragraph (2) and inserting the  
9           following:

10           “(2) INDIAN TRIBE.—

11           “(A) IN GENERAL.—The terms ‘Indian  
12           tribe’ and ‘tribe’ have the meaning given the  
13           term ‘Indian tribe’ in section 4 of the Indian  
14           Self-Determination and Education Assistance  
15           Act (25 U.S.C. 450b).

16           “(B) INCLUSION.—The term ‘Indian tribe’  
17           includes tribal organizations (as defined in sec-  
18           tion 4 of the Indian Self-Determination and  
19           Education Assistance Act (25 U.S.C. 450b)).”;

20           (2) by redesignating paragraph (4) as para-  
21           graph (5); and

22           (3) by inserting after paragraph (3) the fol-  
23           lowing:

24           “(4) PROGRAM.—The term ‘program’ means a  
25           program described in section 5(a).”.

1 **SEC. 5. INTEGRATION OF SERVICES AUTHORIZED.**

2 Section 4 of the Indian Employment, Training and  
3 Related Services Act of 1992 (25 U.S.C. 3403) is amend-  
4 ed to read as follows:

5 **“SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.**

6 “The Secretary shall, after approving a plan sub-  
7 mitted by an Indian tribe in accordance with section 8,  
8 authorize the Indian tribe to, in accordance with the  
9 plan—

10 “(1) integrate the programs and Federal funds  
11 received by the Indian tribe; and

12 “(2) coordinate the employment, training, and  
13 related services provided with those funds in a con-  
14 solidated and comprehensive tribal plan.”.

15 **SEC. 6. PROGRAMS AFFECTED AND TRANSFER OF FUNDS.**

16 Section 5 of the Indian Employment, Training and  
17 Related Services Act of 1992 (25 U.S.C. 3404) is amend-  
18 ed to read as follows:

19 **“SEC. 5. PROGRAMS AFFECTED.**

20 “(a) PROGRAMS AFFECTED.—

21 “(1) IN GENERAL.—The programs that may be  
22 integrated pursuant to a plan approved under sec-  
23 tion 8 shall be only programs—

24 “(A) implemented for the purpose of—

25 “(i) job training;

1 “(ii) welfare to work and tribal work  
2 experience;

3 “(iii) creating or enhancing employ-  
4 ment opportunities;

5 “(iv) higher education;

6 “(v) skill development;

7 “(vi) assisting Indian youth and  
8 adults to succeed in the workforce;

9 “(vii) encouraging self-sufficiency;

10 “(viii) familiarizing individual partici-  
11 pants with the world of work;

12 “(ix) facilitating the creation of job  
13 opportunities;

14 “(x) economic development; or

15 “(xi) any services related to the activi-  
16 ties described in clauses (i) through (x);  
17 and

18 “(B) under which an Indian tribe or mem-  
19 bers of an Indian tribe—

20 “(i) are eligible to receive funds—

21 “(I) under a statutory or admin-  
22 istrative formula making funds avail-  
23 able to an Indian tribe; or

24 “(II) due to their status as Indi-  
25 ans under Federal law; or

1                   “(ii) have secured funds as a result of  
2                   a competitive process, a noncompetitive  
3                   process, or a specific designation.

4                   “(2) TREATMENT OF BLOCK GRANT FUNDS.—  
5                   For purposes of this section, programs funded by  
6                   block grant funds provided to an Indian tribe, re-  
7                   gardless of whether the block grant is for the benefit  
8                   of the Indian tribe because of the status of the In-  
9                   dian tribe or the status of the beneficiaries the grant  
10                  serves, shall be eligible to be integrated into the  
11                  plan.

12                  “(b) INVENTORY OF AFFECTED PROGRAMS.—

13                  “(1) IN GENERAL.—The Comptroller General of  
14                  the United States shall—

15                  “(A) assess the programs of the Depart-  
16                  ment of the Interior, the Department of Health  
17                  and Human Services, the Department of Labor,  
18                  the Department of Justice, the Department of  
19                  Agriculture, the Department of Commerce, the  
20                  Department of Education, the Department of  
21                  Energy, the Department of Homeland Security,  
22                  the Department of Housing and Urban Devel-  
23                  opment, the Department of Transportation, and  
24                  the Department of Veterans Affairs; and

1           “(B) not later than 180 days after the  
2           date of enactment of this subsection, develop an  
3           inventory of all programs of the departments  
4           referred to in subparagraph (A) that meet the  
5           criteria of a program under subsection (a).

6           “(2) INCLUSION OF PROGRAMS IN TRIBAL  
7           PLAN.—Notwithstanding any other provision of law,  
8           an Indian tribe may include in the plan—

9                   “(A) any program identified by the Comp-  
10                  troller General of the United States in the in-  
11                  ventory under paragraph (1); and

12                   “(B) any program not identified by the  
13                  Comptroller General of the United States in the  
14                  inventory under paragraph (1) at the discretion  
15                  of the Secretary.”.

16 **SEC. 7. PLAN REQUIREMENTS.**

17           Section 6 of the Indian Employment, Training and  
18           Related Services Act of 1992 (25 U.S.C. 3405) is amend-  
19           ed to read as follows:

20 **“SEC. 6. PLAN REQUIREMENTS.**

21           “A plan submitted to the Secretary for approval  
22           under this Act shall—

23                   “(1) identify the programs to be integrated and  
24                  consolidated;

25                   “(2) be consistent with the purposes of this Act;

1 “(3) describe—

2 “(A) a comprehensive strategy identifying  
3 the full range of potential employment opportu-  
4 nities on and near the service area of the In-  
5 dian tribe;

6 “(B) the education, training, and related  
7 services to be provided to assist Indians to ac-  
8 cess those employment opportunities;

9 “(C) the way in which services and pro-  
10 gram funds are to be integrated, consolidated,  
11 and delivered; and

12 “(D) the results expected from the plan;

13 “(4) identify the projected expenditures under  
14 the plan in a single budget covering all consolidated  
15 funds;

16 “(5) identify any agency of the Indian tribe to  
17 be involved in the delivery of the services integrated  
18 under the plan;

19 “(6) identify any statutory provisions, regula-  
20 tions, policies, or procedures that the Indian tribe  
21 believes need to be waived to implement the plan;  
22 and

23 “(7) be approved by the governing body of the  
24 Indian tribe.”.



1 **SEC. 8. PLAN REVIEW; WAIVER AUTHORITY; AND DISPUTE**  
2 **RESOLUTION.**

3 Section 7 of the Indian Employment, Training and  
4 Related Services Act of 1992 (25 U.S.C. 3406) is amend-  
5 ed to read as follows:

6 “(a) IN GENERAL.—Upon receipt of a plan from an  
7 Indian tribe, the Secretary shall consult with—

8 “(1) the head of each Federal agency over-  
9 seeing a program identified in the plan; and

10 “(2) the Indian tribe that submitted the plan.

11 “(b) IDENTIFICATION OF WAIVERS.—The parties  
12 identified in subsection (a) shall identify any waivers of  
13 applicable statutory, regulatory, or administrative require-  
14 ments, or of Federal agency policies or procedures nec-  
15 essary to enable the Indian tribe to efficiently implement  
16 the plan.

17 “(c) TRIBAL WAIVER REQUEST.—In consultation  
18 with the Secretary, a participating Indian tribe may re-  
19 quest that the head of each affected agency waive any stat-  
20 utory, regulatory, or administrative requirement, policy, or  
21 procedure identified subsection (b).

22 “(d) WAIVER AUTHORITY.—

23 “(1) IN GENERAL.—Except as provided in para-  
24 graph (2), notwithstanding any other provision of  
25 law, the head of each affected Federal agency shall  
26 waive any applicable statutory, regulatory, or admin-

1        administrative requirement, regulation, policy, or proce-  
2        dure promulgated by the agency that has been iden-  
3        tified by the parties under subparagraph (b).

4            “(2) EXCEPTION.—The head of an affected  
5        Federal agency shall not grant a waiver under para-  
6        graph (1) if the head of the affected agency deter-  
7        mines that a waiver will be inconsistent with—

8            “(A) the purposes of this Act; or

9            “(B) the provision of law from which the  
10        program included in the plan derives its author-  
11        ity that is specifically applicable to Indians.

12        “(e) DECISION ON WAIVER REQUEST.—

13            “(1) IN GENERAL.—Not later than 90 days  
14        after the head of an affected agency receives a waiv-  
15        er request, the head of the affected agency shall de-  
16        cide whether to grant or deny the request.

17            “(2) DENIAL OF REQUEST.—If the head of the  
18        affected agency denies a waiver request, not later  
19        than 30 days after the date on which the denial is  
20        made, the head of the affected agency shall provide  
21        the requesting Indian tribe and the Secretary with  
22        written notice of the denial and the reasons for the  
23        denial.

24            “(3) FAILURE TO ACT ON REQUEST.—If the  
25        head of an affected agency does not make a decision

1 under paragraph (1) by the deadline identified in  
2 that paragraph, the request shall be considered to be  
3 granted.

4 “(f) SECRETARIAL REVIEW.—If the head of an af-  
5 fected agency denies a waiver request under subsection  
6 (e)(2), not later than 30 days after the date on which the  
7 request is denied, the Secretary shall review the denial and  
8 determine whether granting the waiver—

9 “(1) will be inconsistent with the provisions of  
10 this Act; or

11 “(2) will prevent the affected agency from ful-  
12 filling the obligations of the affected agency under  
13 this Act.

14 “(g) INTERAGENCY DISPUTE RESOLUTION.—

15 “(1) IN GENERAL.—Not later than 30 days  
16 after the date on which the Secretary determines  
17 that granting the waiver will not be inconsistent  
18 with the provisions of this Act and will not prevent  
19 the affected agency from fulfilling the obligations of  
20 the affected agency under this Act, the Secretary  
21 shall establish and initiate an interagency dispute  
22 resolution process involving—

23 “(A) the Secretary;

24 “(B) the participating Indian tribe; and

25 “(C) the head of the affected agency.

1           “(2) DURATION.—A dispute subject to para-  
2           graph (1) shall be resolved not later than 30 days  
3           after the date on which the process is initiated.

4           “(h) FINAL AUTHORITY.—If the dispute resolution  
5           process fails to resolve the dispute between a participating  
6           Indian tribe and an affected agency, the head of the af-  
7           fected agency shall have the final authority to resolve the  
8           dispute.

9           “(i) FINAL DECISION.—Not later than 10 days after  
10          the date on which the dispute is resolved under this sec-  
11          tion, the Secretary shall provide the requesting Indian  
12          tribe with—

13                 “(1) the final decision on the waiver request;  
14                 and

15                 “(2) notice of the right to file an appeal in ac-  
16                 cordance with the applicable provisions described in  
17                 section 8(d).”.

18         **SEC. 9. PLAN APPROVAL; SECRETARIAL AUTHORITY; RE-**  
19                 **VIEW OF DECISION.**

20                 Section 8 of the Indian Employment, Training and  
21                 Related Services Act of 1992 (25 U.S.C. 3407) is amend-  
22                 ed to read as follows:

1 **“SEC. 8. PLAN APPROVAL; SECRETARIAL AUTHORITY; RE-**  
2 **VIEW OF DECISION.**

3 “(a) IN GENERAL.—The Secretary shall have exclu-  
4 sive authority to approve or disapprove a plan submitted  
5 by an Indian tribe in accordance with section 6.

6 “(b) APPROVAL PROCESS.—

7 “(1) IN GENERAL.—Not later than 90 days  
8 after the date on which the Secretary receives a  
9 plan, the Secretary shall approve or deny the plan.

10 “(2) APPROVAL.—If the Secretary approves a  
11 plan under paragraph (1), the Secretary shall au-  
12 thorize the transfer of program funds identified in  
13 the plan in accordance with section 13.

14 “(3) DENIAL.—If the Secretary denies the plan  
15 under paragraph (1), the Secretary shall provide to  
16 the Indian tribe a written notification of disapproval  
17 of the plan that contains a specific finding that  
18 clearly demonstrates, or that is supported by a con-  
19 trolling legal authority, that the plan does not meet  
20 the requirements described in section 6.

21 “(4) PARTIAL APPROVAL.—

22 “(A) IN GENERAL.—If a plan is denied  
23 under paragraph (3) solely on the basis that a  
24 request for a waiver that is part of the plan has  
25 not been approved (or is subject to dispute res-  
26 olution) under section 7, the Secretary shall,

1           upon a request from the tribe, grant partial ap-  
2           proval for those portions of the plan not af-  
3           fected by the request for a waiver.

4           “(B) APPROVAL AFTER RESOLUTION.—  
5           With respect to a plan described in subpara-  
6           graph (A), on resolution of the request for a  
7           waiver under section 7, the Secretary shall, on  
8           a request from the tribe, approve the plan or  
9           amended plan not later than 90 days after the  
10          date on which the Secretary receives the re-  
11          quest.

12          “(5) FAILURE TO ACT.—If the Secretary does  
13          not make a decision under paragraph (1) within 90  
14          days of the date on which the Secretary receives the  
15          plan, the plan shall be considered to be approved.

16          “(c) EXTENSION OF TIME.—Notwithstanding any  
17          other provision of law, the Secretary may extend or other-  
18          wise alter the 90-day period identified in subsection (b)(1)  
19          for not more than 90 additional days, if, before the expira-  
20          tion of the period, the Secretary obtains the express writ-  
21          ten consent of the Indian tribe.

22          “(d) REVIEW OF DENIAL.—

23                 “(1) PROCEDURE UPON REFUSAL TO APPROVE  
24                 PLAN.—If the Secretary denies a plan under sub-  
25                 section (b)(3), the Secretary shall—

1           “(A) state any objections in writing to the  
2 Indian tribe;

3           “(B) provide assistance to the Indian tribe  
4 to overcome the stated objections; and

5           “(C) unless the Indian tribe brings a civil  
6 action under paragraph (2), provide the Indian  
7 tribe with a hearing on the record with the  
8 right to engage in full discovery relevant to any  
9 issue raised in the matter and the opportunity  
10 for appeal on the objections raised, under such  
11 rules and regulations as the Secretary may pro-  
12 mulgate.

13           “(2) CIVIL ACTIONS; CONCURRENT JURISDIC-  
14 TION; RELIEF.—

15           “(A) IN GENERAL.—The district courts of  
16 the United States shall have original jurisdic-  
17 tion of a civil action or claim against the appro-  
18 priate Secretary arising under this section and  
19 over any civil action or claim against the Sec-  
20 retary for money damages arising under con-  
21 tracts authorized by this section.

22           “(B) ADMINISTRATIVE HEARING AND AP-  
23 PEAL NOT REQUIRED.—An Indian tribe may  
24 bring a civil action or claim under this para-  
25 graph without regard to whether the Indian

1           tribe had a hearing or filed an appeal under  
2           paragraph (1).

3           “(C) RELIEF.—In an action brought under  
4           this paragraph, the court may order appro-  
5           priate relief, including—

6                     “(i) money damages;

7                     “(ii) injunctive relief against any ac-  
8                     tion by an officer or employee of the  
9                     United States or any agency thereof con-  
10                    trary to this Act or regulations promul-  
11                    gated thereunder (including immediate in-  
12                    junctive relief to reverse a denial of a plan  
13                    under this section or to compel the Sec-  
14                    retary to approve a plan); and

15                    “(iii) a writ of mandamus to compel  
16                    an officer or employee of the United  
17                    States, or any agency thereof, to perform  
18                    a duty provided under this Act or regula-  
19                    tions promulgated hereunder.

20           “(3) BURDEN OF PROOF AT HEARING OR AP-  
21           PEAL DECLINING CONTRACT; FINAL AGENCY AC-  
22           TION.—

23                    “(A) IN GENERAL.—With respect to any  
24                    hearing or appeal conducted under paragraph  
25                    (1)(C) or any civil action brought under para-



1 graph (2), the Secretary shall have the burden  
2 of proving by clear and convincing evidence the  
3 validity of the grounds for denying approval of  
4 a plan (or portion thereof).

5 “(B) AGENCY ACTION.—Notwithstanding  
6 any other provision of law, a decision by an of-  
7 ficial of the Department of the Interior or the  
8 Department of Health and Human Services, as  
9 appropriate (collectively referred to in this para-  
10 graph as the ‘Department’) that constitutes  
11 final agency action and that relates to an ap-  
12 peal within the Department that is conducted  
13 under paragraph (1)(C) shall be made—

14 “(i) by an official of the Department  
15 who holds a position at a higher organiza-  
16 tional level within the Department than  
17 the level of the departmental agency (such  
18 as the Indian Health Service or the Bu-  
19 reau of Indian Affairs) in which the deci-  
20 sion that is the subject of the appeal was  
21 made; or

22 “(ii) by an administrative judge.

23 “(4) APPLICATION OF LAWS TO ADMINISTRA-  
24 TIVE APPEALS.—Section 504 of title 5, United  
25 States Code, and section 2412 of title 28, United

1 States Code, shall apply to any administrative ap-  
2 peals pending on or filed after October 5, 1988, by  
3 an Indian tribe regarding a plan under this Act.”.

4 **SEC. 10. EMPLOYER TRAINING PLACEMENTS.**

5 Section 10 of the Indian Employment, Training and  
6 Related Services Act of 1992 (25 U.S.C. 3409) is amend-  
7 ed to read as follows:

8 **“SEC. 10. EMPLOYER TRAINING PLACEMENTS.**

9 “(a) IN GENERAL.—Subject to subsection (b), an In-  
10 dian tribe that has in place an approved plan under this  
11 Act may use the funds made available for the plan under  
12 this Act—

13 “(1) to place participants in training positions  
14 with employers; and

15 “(2) to pay the participants a training allow-  
16 ance or wage for a training period of not more than  
17 24 months, which may be nonconsecutive.

18 “(b) REQUIREMENTS.—An Indian tribe may carry  
19 out subsection (a) only if the Indian tribe enters into a  
20 written agreement with each applicable employer under  
21 which the employer shall agree—

22 “(1) to provide on-the-job training to the par-  
23 ticipants; and

24 “(2) on satisfactory completion of the training  
25 period described in subsection (a)(2), to prioritize

1 the provision of permanent employment to the par-  
2 ticipants.”.

3 **SEC. 11. FEDERAL RESPONSIBILITIES.**

4 Section 11 of the Indian Employment, Training and  
5 Related Services Act of 1992 (25 U.S.C. 3410) is amend-  
6 ed to read as follows:

7 **“SEC. 11. FEDERAL RESPONSIBILITIES.**

8 “(a) LEAD AGENCY.—

9 “(1) IN GENERAL.—Notwithstanding any other  
10 provision of law, the lead agency responsible for im-  
11 plementation of this Act shall be the Bureau of In-  
12 dian Affairs.

13 “(2) INCLUSIONS.—The responsibilities of the  
14 Director of the Bureau of Indian Affairs in carrying  
15 out this Act shall include—

16 “(A) the development of a single model re-  
17 port for each Indian tribe that has in place an  
18 approved plan under this Act to submit to the  
19 Director reports on any consolidated activities  
20 undertaken and joint expenditures made under  
21 the plan;

22 “(B) the provision, directly or through con-  
23 tract, of appropriate voluntary and technical as-  
24 sistance to participating Indian tribes;

1           “(C) the development and use of a single  
2 monitoring and oversight system for plans ap-  
3 proved under this Act;

4           “(D)(i) the receipt of all funds covered by  
5 a plan approved under this Act; and

6           “(ii) the distribution of the funds to the re-  
7 spective Indian tribes by not later than 45 days  
8 after the date of receipt of the funds from the  
9 appropriate Federal department or agency; and

10          “(E)(i) the performance of activities de-  
11 scribed in section 7 relating to agency waivers;  
12 and

13          “(ii) the establishment of an interagency  
14 dispute resolution process.

15          “(3) MEMORANDUM OF AGREEMENT.—

16          “(A) IN GENERAL.—Not later than 1 year  
17 after the date of enactment of the Indian Em-  
18 ployment, Training and Related Services Con-  
19 solidation Act of 2014, the Secretary (acting  
20 through the Director of the Bureau of Indian  
21 Affairs), in conjunction with the Secretaries of  
22 Agriculture, Commerce, Education, Energy,  
23 Health and Human Services, Homeland Secu-  
24 rity, Housing and Urban Development, Labor,  
25 Transportation, and Veterans Affairs and the

1 Attorney General, shall enter into an inter-  
2 departmental memorandum of agreement pro-  
3 viding for the implementation of this Act.

4 “(B) INCLUSIONS.—The memorandum of  
5 agreement under subparagraph (A) shall in-  
6 clude provisions relating to—

7 “(i) an annual meeting of partici-  
8 pating Indian tribes and Federal depart-  
9 ments and agencies, to be co-chaired by—

10 “(I) a representative of the Presi-  
11 dent; and

12 “(II) a representative of the par-  
13 ticipating Indian tribes;

14 “(ii) an annual review of the achieve-  
15 ments under this Act and any statutory,  
16 regulatory, administrative, or policy obsta-  
17 cles that prevent participating Indian  
18 tribes from fully and efficiently carrying  
19 out the purposes of this Act; and

20 “(iii) a forum comprised of partici-  
21 pating Indian tribes and Federal depart-  
22 ments and agencies to identify and resolve  
23 interagency conflicts and conflicts between  
24 the Federal Government and Indian tribes  
25 in the administration of this Act.

1 “(b) REPORT FORMAT.—

2 “(1) IN GENERAL.—The lead agency shall de-  
3 velop and distribute to Indian tribes that have in  
4 place an approved plan under this Act a single re-  
5 port format, in accordance with the requirements of  
6 this Act.

7 “(2) REQUIREMENTS.—The lead agency shall  
8 ensure that the report format developed under para-  
9 graph (1), together with records maintained by each  
10 participating Indian tribe, contains information suf-  
11 ficient—

12 “(A) to determine whether the Indian tribe  
13 has complied with the requirements of the ap-  
14 proved plan of the Indian tribe; and

15 “(B) to provide assurances to the head of  
16 each applicable Federal department or agency  
17 that the Indian tribe has complied with all di-  
18 rectly applicable statutory and regulatory re-  
19 quirements not waived under section 7.

20 “(3) LIMITATION.—The report format devel-  
21 oped under paragraph (1) shall not require a partici-  
22 pating Indian tribe to report on the expenditure of  
23 funds (expressed by fund source or single agency  
24 code) transferred to the Indian tribe under an ap-  
25 proved plan under this Act.”.

1 **SEC. 12. NO REDUCTION IN AMOUNTS.**

2 Section 12 of the Indian Employment, Training and  
3 Related Services Act of 1992 (25 U.S.C. 3411) is amend-  
4 ed to read as follows:

5 **“SEC. 12. NO REDUCTION IN AMOUNTS.**

6 “(a) IN GENERAL.—In no case shall the amount of  
7 Federal funds available to an Indian tribe that has in  
8 place an approved plan under this Act be reduced as a  
9 result of—

10 “(1) the enactment of this Act; or

11 “(2) the approval or implementation of a plan  
12 of an Indian tribe under this Act.

13 “(b) INTERACTION WITH OTHER LAWS.—The inclu-  
14 sion of a program in a tribal plan under this Act shall  
15 not—

16 “(1) modify, limit, or otherwise affect the eligi-  
17 bility of the program for contracting under the In-  
18 dian Self-Determination and Education Assistance  
19 Act (25 U.S.C. 450 et seq.); or

20 “(2) eliminate the applicability of any provision  
21 of the Indian Self-Determination and Education As-  
22 sistance Act (25 U.S.C. 450 et seq.), as the provi-  
23 sion relates to a specific program eligible for con-  
24 tracting under that Act.”.

1 **SEC. 13. TRANSFER OF FUNDS.**

2 Section 13 of the Indian Employment, Training and  
3 Related Services Act of 1992 (25 U.S.C. 3412) is amend-  
4 ed to read as follows:

5 **“SEC. 13. TRANSFER OF FUNDS.**

6 “(a) IN GENERAL.—Notwithstanding any other pro-  
7 vision of law, not later than 30 days after the date of ap-  
8 portionment to the applicable Federal department or agen-  
9 cy, the head of a Federal agency overseeing a program  
10 identified in a plan approved under this Act shall transfer  
11 to the Director of the Bureau of Indian Affairs for dis-  
12 tribution to an Indian tribe any funds identified in the  
13 approved plan of the Indian tribe.

14 “(b) TRANSFER OF FUNDS.—Notwithstanding any  
15 other provision of law, at the request of the Indian tribe,  
16 all program funds transferred to an Indian tribe in accord-  
17 ance with the approved plan of the Indian tribe shall be  
18 transferred to the Indian tribe pursuant to an existing  
19 contract, compact, or funding agreement awarded pursu-  
20 ant to title I or IV of the Indian Self-Determination and  
21 Education Assistance Act (25 U.S.C. 450 et seq.).”.

22 **SEC. 14. ADMINISTRATION OF FUNDS.**

23 Section 14 of the Indian Employment, Training and  
24 Related Services Act of 1992 (25 U.S.C. 3413) is amend-  
25 ed—



1           (1) by redesignating subsection (b) as sub-  
2           section (e);

3           (2) by striking the section designation and  
4           heading and all that follows through subsection (a)  
5           and inserting the following:

6   **“SEC. 14. ADMINISTRATION OF FUNDS.**

7           “(a) REQUIREMENTS.—

8                 “(1) IN GENERAL.—

9                         “(A) CONSOLIDATION AND REALLOCATION  
10                        OF FUNDS.—Notwithstanding any other provi-  
11                       sion of law, all amounts transferred to a tribe  
12                       pursuant to an approved plan may be consoli-  
13                       dated, reallocated, and rebudgeted as specified  
14                       in the approved plan to best meet the employ-  
15                       ment, training, and related needs of the local  
16                       community served by the Indian tribe.

17                       “(B) AUTHORIZED USE OF FUNDS.—The  
18                       amounts used to carry out a plan approved  
19                       under this Act shall be administered in such  
20                       manner as the Secretary determines to be ap-  
21                       propriate to ensure the amounts are spent on  
22                       activities authorized under the approved plan.

23                       “(C) EFFECT.—Nothing in this section  
24                       interferes with the ability of the Secretary or  
25                       the lead agency to use accounting procedures

1 that conform to generally accepted accounting  
2 principles, auditing procedures, and safe-  
3 guarding of funds that conform to chapter 75  
4 of title 31, United States Code (commonly  
5 known as the ‘Single Audit Act of 1984’).

6 “(2) SEPARATE RECORDS AND AUDITS NOT RE-  
7 QUIRED.—Notwithstanding any other provision of  
8 law (including regulations and circulars of any agen-  
9 cy (including Office of Management and Budget Cir-  
10 cular A–133)), an Indian tribe that has in place an  
11 approved plan under this Act shall not be required—

12 “(A) to maintain separate records that  
13 trace any service or activity conducted under  
14 the approved plan to the program for which the  
15 funds were initially authorized or transferred;

16 “(B) to allocate expenditures among such  
17 a program; or

18 “(C) to audit expenditures by the original  
19 source of the program.

20 “(b) CARRYOVER.—

21 “(1) IN GENERAL.—Any funds transferred to  
22 an Indian tribe under this Act that are not obligated  
23 or expended prior to the beginning of the fiscal year  
24 after the fiscal year for which the funds were appro-  
25 priated shall remain available for obligation or ex-

1       penditure without fiscal year limitation, subject to  
2       the condition that the funds shall be obligated or ex-  
3       pended in accordance with the approved plan of the  
4       Indian tribe.

5               “(2) NO ADDITIONAL DOCUMENTATION.—The  
6       Indian tribe shall not be required to provide any ad-  
7       ditional justification or documentation of the pur-  
8       poses of the approved plan as a condition of receiv-  
9       ing or expending the funds.

10              “(c) INDIRECT COSTS.—Notwithstanding any other  
11       provision of law, an Indian tribe shall be entitled to re-  
12       cover 100 percent of any indirect costs incurred by the  
13       Indian tribe as a result of the transfer of funds to the  
14       Indian tribe under this Act.”; and

15              (3) in subsection (e) (as redesignated by para-  
16       graph (1))—

17                      (A) by striking “All administrative” and  
18       inserting the following:

19                      “(1) IN GENERAL.—All administrative”; and

20                      (B) by striking “regulations)” and all that  
21       follows through the end of the subsection and  
22       inserting the following: “regulations).

23              “(2) TREATMENT.—The amount equal to the  
24       difference between the amount of the commingled  
25       funds and the actual administrative cost of the pro-

1       grams, as described in paragraph (1), shall be con-  
2       sidered to be properly spent for Federal audit pur-  
3       poses if the amount is used to achieve the purposes  
4       of this Act.

5       “(e) MATCHING FUNDS.—Notwithstanding any other  
6       provision of law, any funds transferred to an Indian tribe  
7       under this Act shall be treated as non-Federal funds for  
8       purposes of meeting matching requirements under any  
9       other Federal law.

10       “(f) CLAIMS.—The following provisions of law shall  
11       apply to plans approved under this Act:

12               “(1) Section 314 of the Department of the In-  
13       terior and Related Agencies Appropriations Act,  
14       1991 (Public Law 101–512; 104 Stat. 1959).

15               “(2) Chapter 171 of title 28 (commonly known  
16       as the ‘Federal Tort Claims Act’).

17       “(g) INTEREST OR OTHER INCOME.—

18               “(1) IN GENERAL.—An Indian tribe shall be  
19       entitled to retain interest earned on any funds trans-  
20       ferred to the tribe under an approved plan and such  
21       interest shall not diminish the amount of funds the  
22       Indian tribe is authorized to receive under the plan  
23       in the year the interest is earned or in any subse-  
24       quent fiscal year.

1           “(2) PRUDENT INVESTMENT.—Funds trans-  
2           ferred under a plan shall be managed in accordance  
3           with the prudent investment standard.”.

4 **SEC. 15. LABOR MARKET INFORMATION ON INDIAN WORK**  
5 **FORCE.**

6           Section 17(a) of the Indian Employment, Training  
7 and Related Services Act of 1992 (25 U.S.C. 3416(a)) is  
8 amended in the first sentence—

9           (1) by striking “The Secretary” and all that  
10 follows through “manner,” and inserting “The Sec-  
11 retary of Labor, in consultation with the Secretary,  
12 Indian tribes, and the Director of the Bureau of the  
13 Census, shall”; and

14           (2) by striking “, by gender,”.

15 **SEC. 16. REPEALS; CONFORMING AMENDMENTS.**

16           (a) REPEALS.—Sections 15 and 16 of the Indian Em-  
17 ployment, Training and Related Services Act of 1992 (25  
18 U.S.C. 3414, 3415) are repealed.

19           (b) CONFORMING AMENDMENTS.—Sections 17 and  
20 18 of the Indian Employment, Training and Related Serv-  
21 ices Act of 1992 (25 U.S.C. 3416, 3417) (as amended by  
22 this Act) are redesignated as sections 15 and 16, respec-  
23 tively.

1 **SEC. 17. EFFECT OF ACT.**

2       Nothing in this Act or any amendment made by this  
3 Act—

4           (1) affects any plan approved under the Indian  
5       Employment, Training and Related Services Act of  
6       1992 (25 U.S.C. 3401 et seq.) (as so redesignated)  
7       before the date of enactment of this Act;

8           (2) requires any Indian tribe or tribal organiza-  
9       tion to resubmit a plan described in paragraph (1);  
10       or

11          (3) modifies the effective period of any plan de-  
12       scribed in paragraph (1).

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