

Calendar No. 535113TH CONGRESS
2^D SESSION**S. 1574**

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2013

Ms. MURKOWSKI (for herself and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

AUGUST 26, 2014

Reported, under authority of the order of the Senate of August 5 (legislative day, August 1), 2014, by Mr. TESTER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE; REFERENCES.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Indian Employment, Training and Related Services Con-
4 solidation Act of 2013”.

5 (b) **REFERENCES.**—Except as otherwise expressly
6 provided, wherever in this Act an amendment or repeal
7 is expressed in terms of an amendment to, or repeal of,
8 a section or other provision, the reference shall be consid-
9 ered to be made to a section or other provision of the In-
10 dian Employment, Training and Related Services Dem-
11 onstration Act of 1992 (25 U.S.C. 3401 et seq.).

12 **SEC. 2. STATEMENT OF PURPOSE.**

13 Section 2 (25 U.S.C. 3401) is amended—

14 (1) by striking “The purposes of this Act are
15 to demonstrate how Indian tribal governments can”
16 and inserting “The purpose of this Act is to facili-
17 tate the ability of Indian tribes to”;

18 (2) by inserting “from diverse Federal sources”
19 after “they provide”;

20 (3) by striking “and serve tribally-determined”
21 and inserting “, serve tribally determined”; and

22 (4) by inserting “, reduce administrative, re-
23 porting, and accounting costs, and make permanent
24 any demonstration project under any plan referred
25 to in section 4” before the period at the end.

1 **SEC. 3. DEFINITIONS.**

2 Section 3 (25 U.S.C. 3402) is amended by adding
3 at the end the following:

4 “(5) TRIBAL ORGANIZATION.—The term ‘tribal
5 organization’ has the meaning given the term in sec-
6 tion 4 of the Indian Self-Determination and Edu-
7 cation Assistance Act (25 U.S.C. 450b).”.

8 **SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.**

9 Section 4 (25 U.S.C. 3403) is amended to read as
10 follows:

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

12 “(a) AUTHORIZATION.—The Secretary shall, in co-
13 operation with the Attorney General, the Secretary of Ag-
14 riculture, the Secretary of Commerce, the Secretary of
15 Education, the Secretary of Energy, the Secretary of
16 Health and Human Services, the Secretary of Homeland
17 Security, the Secretary of Housing and Urban Develop-
18 ment, the Secretary of Labor, the Secretary of Transpor-
19 tation, and the Secretary of Veterans Affairs, after the
20 Secretary approves a plan submitted by an Indian tribe
21 or tribal organization under section 8, authorize the In-
22 dian tribe or tribal organization, as applicable, to coordi-
23 nate, in accordance with the plan, Federally funded em-
24 ployment, training, and related services programs in a
25 manner that integrates the programs into a consolidated
26 and comprehensive program.

1 “(b) SINGLE INTEGRATED PLAN.—Consistent with
 2 section 8, after the Secretary approves a plan submitted
 3 by an Indian tribe or tribal organization, the Indian tribe
 4 or tribal organization shall not be required to submit any
 5 additional budget, report, audit, supplemental audit, or
 6 other documentation.”.

7 **SEC. 5. PROGRAMS AFFECTED AND TRANSFER OF FUNDS.**

8 Section 5 (25 U.S.C. 3404) is amended to read as
 9 follows:

10 **“SEC. 5. PROGRAMS AFFECTED.**

11 “(a) IN GENERAL.—The programs that may be inte-
 12 grated into a project under a plan described in section 4
 13 shall include—

14 “(1) any program under which an Indian tribe
 15 or tribal organization is eligible for receipt of funds
 16 under a statutory or administrative formula;

17 “(2) any funds to which an Indian tribe, tribal
 18 organization, or members of an Indian tribe or tribal
 19 organization may be under Federal law;

20 “(3) any funds an Indian tribe or tribal organi-
 21 zation may secure as a result of a competitive proe-
 22 cess, a noncompetitive process, or a specific designa-
 23 tion; and

24 “(4) any program under which block grant
 25 funds may be provided to an Indian tribe or tribal

1 organization, regardless of whether the block grant
2 is for the benefit of the Indian tribe or tribal organi-
3 zation because of the status of the Indian tribe or
4 tribal organization or the status of the beneficiaries
5 the grant serves, that are made available for the
6 purposes of—

7 “(A) job training;

8 “(B) welfare to work and tribal work expe-
9 rience;

10 “(C) creating or enhancing employment
11 opportunities;

12 “(D) higher education;

13 “(E) skill development;

14 “(F) assisting Indian youth and adults to
15 succeed in the workforce;

16 “(G) encouraging self-sufficiency;

17 “(H) familiarizing individual participants
18 with the world of work;

19 “(I) facilitating the creation of job oppor-
20 tunities; and

21 “(J) any services related to the activities
22 described in subparagraphs (A) through (I).

23 “(b) TRANSFER OF FUNDS.—Notwithstanding any
24 other provision of law, all funds for programs and services
25 covered by an approved plan shall, at the request of the

1 Indian tribe or tribal organization, be transferred to the
 2 Indian tribe or tribal organization pursuant to an existing
 3 contract, compact, or funding agreement awarded pursu-
 4 ant to the title I or IV of the Indian Self-Determination
 5 and Education Assistance Act (25 U.S.C. 450 et seq.).”.

6 **SEC. 6. PLAN REVIEW; WAIVER AUTHORITY; AND DISPUTE**
 7 **RESOLUTION.**

8 Section 7 (25 U.S.C. 3406) is amended to read as
 9 follows:

10 “(a) **IN GENERAL.**—Upon receipt of a plan from an
 11 Indian tribe or tribal organization, the Secretary shall con-
 12 sult with—

13 “(1) the head of each Federal agency providing
 14 funds to be used to implement the plan; and

15 “(2) the Indian tribe or tribal organization that
 16 submitted the plan.

17 “(b) **IDENTIFICATION OF WAIVERS.**—The parties de-
 18 scribed in subsection (a) shall identify any waivers of ap-
 19 plicable statutory, regulatory, or administrative require-
 20 ments, or of Federal agency policies or procedures nec-
 21 essary to enable the Indian tribe or tribal organization to
 22 efficiently implement the plan.

23 “(c) **TRIBAL WAIVER REQUEST.**—In consultation
 24 with the Secretary, a participating Indian tribe or tribal
 25 organization may request the head of each affected agency

1 to waive any statutory, regulatory, administrative require-
 2 ment, policy, or procedure identified subsection (b).

3 “(d) WAIVER AUTHORITY.—

4 “(1) IN GENERAL.—Except as provided in para-
 5 graph (2), notwithstanding any other provision of
 6 law, the head of each affected agency shall waive
 7 any applicable statutory, regulatory, administrative
 8 requirement, regulation, policy, or procedure promul-
 9 gated by the agency that has been identified by the
 10 parties under subparagraph (b).

11 “(2) EXCEPTION.—The head of an affected
 12 agency shall not grant a waiver under paragraph (1)
 13 if the head of the affected agency determines that a
 14 waiver will be inconsistent with the purposes of this
 15 Act.

16 “(e) DECISION ON WAIVER REQUEST.—

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

21 “(2) DENIAL OF REQUEST.—If the head of the
 22 affected agency denies a waiver request, not later
 23 than 90 days after the date on which the denial is
 24 made, the head of the affected agency shall provide
 25 the requesting Indian tribe or tribal organization

1 and the Secretary with written notice of the denial
2 and the reasons for the denial.

3 ~~“(3) FAILURE TO ACT ON REQUEST.—If the~~
4 ~~head of an affected agency does not make a decision~~
5 ~~under paragraph (1) within 90 days after the date~~
6 ~~on which the head of the affected agency receives~~
7 ~~the waiver request, the request shall be granted.~~

8 ~~“(f) SECRETARIAL REVIEW.—If the head of an af-~~
9 ~~ected agency denies a waiver request under subsection~~
10 ~~(e)(2), not later than 10 days after the date on which the~~
11 ~~request is denied, the Secretary shall review the denial and~~
12 ~~determine whether granting the waiver—~~

13 ~~“(1) will be inconsistent with the provisions of~~
14 ~~the Act; or~~

15 ~~“(2) will prevent the affected agency from ful-~~
16 ~~filling its obligations under the Act.~~

17 ~~“(g) INTERAGENCY DISPUTE RESOLUTION.—~~

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

25 ~~“(A) the Secretary;~~

1 “(B) the participating Indian tribe or trib-
2 al organization; and

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

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

7 “(h) FINAL AUTHORITY.—If the dispute resolution
8 process fails to resolve the dispute between a participating
9 Indian tribe or tribal organization and an affected agency,
10 the head of the affected agency shall have the final author-
11 ity to resolve the dispute.

12 “(i) FINAL DECISION.—Not later than 10 days after
13 the date on which the dispute is resolved under this sec-
14 tion, the Secretary shall inform the requesting Indian tribe
15 or tribal organization—

16 “(1) the final decision on the waiver request;
17 and

18 “(2) notice of the right to file an appeal to the
19 final decision in an appropriate district court of the
20 United States.”.

21 **SEC. 7. PLAN APPROVAL; SECRETARIAL AUTHORITY; RE-**
22 **VIEW OF DECISION.**

23 Section 8 (25 U.S.C. 3407) is amended to read as
24 follows:

1 “(a) **PLAN REQUIREMENTS.**—A plan submitted to
2 the Secretary for approval under this Act shall—

3 “(1) identify the programs to be integrated and
4 consolidated;

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

6 “(3) describe—

7 “(A) a comprehensive strategy identifying
8 the full range of potential employment opportu-
9 nities on and near the service area of the In-
10 dian tribe or tribal organization;

11 “(B) the education, training, and related
12 services to be provided to assist Indians to ac-
13 cess those employment opportunities;

14 “(C) the way in which services are to be
15 integrated, consolidated, and delivered; and

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

17 “(4) identify the projected expenditures under
18 the plan in a single budget covering all consolidated
19 funds;

20 “(5) identify any agency of the Indian tribe or
21 tribal organization to be involved in the delivery of
22 the services integrated under the plan;

23 “(6) identify any statutory provisions, regula-
24 tions, policies, or procedures that the Indian tribe or

1 tribal organization believes need to be waived to im-
2 plement the plan; and

3 “(7) be approved by the governing body of the
4 Indian tribe or tribal organization.

5 “(b) EXCLUSIVE AUTHORITY OF THE SECRETARY.—

6 The Secretary shall have exclusive authority to approve
7 or disapprove a plan submitted by an Indian tribe or tribal
8 organization in accordance with section 7.

9 “(c) APPROVAL PROCESS.—

10 “(1) IN GENERAL.—Not later than 90 days
11 after the date on which the Secretary receives a
12 plan, the Secretary shall approve or deny the plan,
13 including any request for a waiver that is made as
14 part of the plan.

15 “(2) APPROVAL.—If the Secretary approves a
16 plan under paragraph (1), the Secretary shall au-
17 thorize the transfer of funds under the plan.

18 “(3) DENIAL.—If the Secretary denies the plan
19 under paragraph (1), the Secretary shall provide to
20 the Indian tribe or tribal organization a written noti-
21 fication of disapproval of the plan that contains a
22 specific finding that clearly demonstrates that, or
23 that is supported by a controlling legal authority,
24 the plan does not meet the requirements set forth in
25 subsection (a).

1 “(4) FAILURE TO ACT.—If the Secretary does
2 not make a decision under paragraph (1) within 90
3 days after the date on which the Secretary receives
4 the plan, the plan shall be approved.

5 “(d) EXTENSION OF TIME.—Notwithstanding any
6 other provision of law, the Secretary may extend or other-
7 wise alter the 90-day period specified in subsection (c)(1)
8 above, if before the expiration of the period, the Secretary
9 obtains the express written consent of the Indian tribe or
10 tribal organization to extend or alter the period for up to
11 90 additional days.

12 “(e) APPLICABILITY.—If the Secretary denies the
13 plan under subsection (c)(1), the following shall apply:

14 “(1) Subsections (b) and (c) of section 102 of
15 the Indian Self-Determination Act (25 U.S.C. 450f).

16 “(2) Subsections (a) and (c) of section 110 of
17 that Act (25 U.S.C. 450m-1).”.

18 **SEC. 8. JOB CREATION ACTIVITIES AUTHORIZED.**

19 Section 9 (25 U.S.C. 3408) is amended—

20 (1) in subsection (a)—

21 (A) by striking “a tribal government may”
22 and inserting “an Indian tribe or tribal organi-
23 zation may”;

1 (B) by striking “tribal government or of
2 individual Indian people” and inserting “Indian
3 tribes, tribal organizations, or Indians”; and

4 (C) by striking “an overall regional eco-
5 nomic activity which has a reasonable likelihood
6 of success and consistent with the purposes spe-
7 cifically applicable to Indian programs in the
8 statute under which the funds are authorized”
9 and inserting “the plan”;

10 (2) by striking subsection (b) and inserting the
11 following:

12 “(b) **JOB CREATION OPPORTUNITIES.**—Notwith-
13 standing any other provision of law, including any require-
14 ment of a program that is integrated under a plan under
15 this Act, an Indian tribe or tribal organization may use
16 the funds made available under this Act for the creation
17 of employment opportunities, including providing private
18 sector training placement under section 10.”; and

19 (3) by striking subsection (c).

20 **SEC. 9. EMPLOYER TRAINING PLACEMENTS.**

21 Section 10 (25 U.S.C. 3409) is amended to read as
22 follows:

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

24 “(a) **IN GENERAL.**—Subject to subsection (b), an In-
25 dian tribe or tribal organization that has in place an ap-

1 proved plan under this Act may use the funds made avail-
2 able under the plan—

3 “(1) to place participants in training positions
4 with employers; and

5 “(2) to pay the participants a training allow-
6 ance or wage for a training period of not more than
7 1 year.

8 “(b) REQUIREMENTS.—An Indian tribe or tribal or-
9 ganization may carry out subsection (a) only if the tribe
10 or tribal organization enters into a written agreement with
11 each applicable employer under which the employer shall
12 agree—

13 “(1) to provide on-the-job training to the par-
14 ticipants; and

15 “(2) on satisfactory completion of the training
16 period described in subsection (a)(2); to prioritize
17 the provision of permanent employment to the par-
18 ticipants.”.

19 **SEC. 10. FEDERAL RESPONSIBILITIES.**

20 Section 11 (25 U.S.C. 3410) is amended to read as
21 follows:

22 **“SEC. 11. FEDERAL RESPONSIBILITIES.**

23 “(a) LEAD AGENCY.—

24 “(1) IN GENERAL.—Notwithstanding any other
25 provision of law, the lead agency for each program

1 carried out under this Act shall be the Bureau of In-
2 dian Affairs.

3 “(2) INCLUSIONS.—The responsibilities of the
4 Director of the Bureau of Indian Affairs in carrying
5 out this Act shall include—

6 “(A) the development of a single model re-
7 port for each Indian tribe and tribal organiza-
8 tion that has in place an approved plan under
9 this Act to submit to the Director reports on
10 any consolidated activities undertaken and joint
11 expenditures made under the plan;

12 “(B) the provision, directly or through con-
13 tract, of appropriate voluntary and technical as-
14 sistance to participating tribes and tribal orga-
15 nizations;

16 “(C) the development and use of a single
17 monitoring and oversight system for plans ap-
18 proved under this Act;

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

21 “(ii) distribution of the funds to the re-
22 spective Indian tribes and tribal organizations
23 by not later than 20 days after the date of re-
24 ceipt of the funds from the appropriate Federal
25 department or agency; and

1 “(E)(i) the performance of activities de-
2 scribed in section 7 relating to agency waivers;
3 and

4 “(ii) the establishment of an interagency
5 dispute resolution process.

6 “(3) INCORPORATION OF SELF-DETERMINA-
7 TION.—

8 “(A) IN GENERAL.—At the election of an
9 Indian tribe or tribal organization that has in
10 place an approved plan under this Act, the plan
11 may incorporate any provision of the Indian
12 Self-Determination Act (25 U.S.C. 450f et
13 seq.).

14 “(B) EFFECT.—On incorporation of a pro-
15 vision under subparagraph (A), the provision
16 shall have the same force and effect as if incor-
17 porated in this Act.

18 “(4) MEMORANDUM OF AGREEMENT.—

19 “(A) IN GENERAL.—Not later than 1 year
20 after the date of enactment of the Indian Em-
21 ployment, Training and Related Services Con-
22 solidation Act of 2013, the Secretary (acting
23 through the Director of the Bureau of Indian
24 Affairs), in conjunction with the Secretaries of
25 Agriculture, Commerce, Education, Energy,

1 Health and Human Services, Homeland Security,
2 Housing and Urban Development, Labor,
3 Transportation, and Veterans Affairs and the
4 Attorney General, shall enter into an inter-
5 departmental memorandum of agreement pro-
6 viding for the implementation of this Act.

7 “(B) INCLUSIONS.—The memorandum of
8 agreement under subparagraph (A) shall in-
9 clude provisions relating to—

10 “(i) an annual meeting of partici-
11 pating Indian tribes, tribal organizations,
12 and Federal departments and agencies, to
13 be cochaired by—

14 “(I) a representative of the Presi-
15 dent; and

16 “(II) a representative of the par-
17 ticipating tribes and tribal organiza-
18 tions;

19 “(ii) an annual review of the achieve-
20 ments under this Act and any statutory,
21 regulatory, administrative, or policy obsta-
22 cles that prevent participating Indian
23 tribes or tribal organizations from fully
24 and efficiently carrying out the purposes of
25 this Act; and

1 “(iii) a forum comprised of partici-
2 pating Indian tribes, tribal organizations,
3 and Federal departments and agencies to
4 identify and resolve interagency conflicts
5 and conflicts between the Federal Govern-
6 ment and Indian tribes or tribal organiza-
7 tions in the administration of this Act.

8 “(b) REPORT FORMAT.—

9 “(1) IN GENERAL.—The Secretary shall develop
10 and distribute to Indian tribes and tribal organiza-
11 tions that have in place an approved plan under this
12 Act a single report format, in accordance with the
13 requirements of this Act.

14 “(2) REQUIREMENTS.—The Secretary shall en-
15 sure that the report format developed under para-
16 graph (1), together with records maintained by each
17 participating Indian tribe or tribal organization, con-
18 tains information sufficient—

19 “(A) to determine whether the tribe or
20 tribal organization has complied with the re-
21 quirements of the approved plan of the tribe or
22 tribal organization; and

23 “(B) to provide assurances to the head of
24 each applicable Federal department or agency
25 that the tribe or tribal organization has com-

1 plied with all directly applicable statutory and
2 regulatory requirements.

3 “(3) **LIMITATION.**—The report format devel-
4 oped under paragraph (1) shall not require a partici-
5 pating Indian tribe or tribal organization to report
6 on the expenditure of funds (expressed by fund
7 source or single agency code) transferred to the tribe
8 or tribal organization under an approved plan under
9 this Act.”.

10 **SEC. 11. NO REDUCTION IN AMOUNTS.**

11 Section 12 (25 U.S.C. 3411) is amended by striking
12 “a tribal government” and all that follows through the end
13 of the section and inserting the following: “an Indian tribe
14 or tribal organization that has in place an approved plan
15 under this Act be reduced as a result of—

16 “(1) the enactment of this Act; or

17 “(2) the approval or implementation of a plan
18 under this Act.”.

19 **SEC. 12. INTERAGENCY TRANSFERS OF FUNDS.**

20 Section 13 (25 U.S.C. 3412) is amended to read as
21 follows:

22 **“SEC. 13. INTERAGENCY TRANSFERS OF FUNDS.**

23 “Notwithstanding any other provision of law, not
24 later than 20 days after the date of apportionment to the
25 applicable department or agency, the Secretary, together

1 with the Secretaries of Agriculture, Commerce, Education,
 2 Energy, Health and Human Services, Homeland Security,
 3 Housing and Urban Development, Labor, Transportation,
 4 and Veterans Affairs and the Attorney General, as appro-
 5 priate, may transfer to the Director of the Bureau of In-
 6 dian Affairs, for distribution to an Indian tribe or tribal
 7 organization that has in place an approved plan under this
 8 Act, any funds otherwise available to the applicable de-
 9 partment or agency to achieve the purposes of this Act.”.

10 **SEC. 13. ADMINISTRATION OF FUNDS.**

11 Section 14 (25 U.S.C. 3413) is amended—

12 (1) by redesignating subsection (b) as sub-
 13 section (d);

14 (2) by striking the section designation and
 15 heading and all that follows through subsection (a)
 16 and inserting the following:

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

18 **“(a) REQUIREMENTS.—**

19 **“(1) IN GENERAL.—**The amounts used to carry
 20 out a plan approved under this Act shall be adminis-
 21 tered in such manner as the Secretary determines to
 22 be appropriate to ensure the amounts are spent on
 23 activities authorized under the plan.

24 **“(2) SEPARATE RECORDS AND AUDITS NOT RE-**
 25 **QUIRED.—**Notwithstanding any other provision of

1 law (including regulations and circulars of any agen-
 2 cy (including Office of Management and Budget Cir-
 3 cular A-133)); an Indian tribe or tribal organization
 4 that has in place an approved plan under this Act
 5 shall not be required—

6 “(A) to maintain separate records that
 7 trace any service or activity conducted under
 8 the approved plan to the program for which the
 9 funds were initially authorized or transferred;

10 “(B) to allocate expenditures among such
 11 a program; or

12 “(C) to audit expenditures by the original
 13 source of the program.

14 “(b) CARRYOVER.—Any funds transferred to an In-
 15 dian tribe or tribal organization under this Act that are
 16 not obligated or expended prior to the beginning of the
 17 fiscal year after the fiscal year for which the funds were
 18 appropriated shall remain available for obligation or ex-
 19 penditure without fiscal year limitation, subject to the con-
 20 ditions that—

21 “(1) the funds shall be obligated or expended in
 22 accordance with the approved plan of the tribe or
 23 tribal organization; and

24 “(2) the tribe or tribal organization shall not be
 25 required to provide any additional justification or

1 documentation of the purposes of the approved plan
2 as a condition of receiving or expending the funds.

3 “(e) INDIRECT COSTS.—Notwithstanding any other
4 provision of law, an Indian tribe or tribal organization
5 shall be entitled to recover the entire amount of indirect
6 costs associated with any funds transferred to the tribe
7 or tribal organization under this Act, in accordance with
8 the applicable indirect cost rate specified in the approved
9 plan of the tribe or tribal organization.”; and

10 (3) in subsection (d) (as redesignated by para-
11 graph (1))—

12 (A) by striking “All administrative” and
13 inserting the following:

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

15 (B) by striking “regulations)” and all that
16 follows through the end of the subsection and
17 inserting the following: “regulations).

18 “(2) TREATMENT.—The amount equal to the
19 difference between the amount of the commingled
20 funds and the actual administrative cost of the pro-
21 grams, as described in paragraph (1), shall be con-
22 sidered to be properly spent for Federal audit pur-
23 poses if the amount is used to achieve the purposes
24 of this Act.”.

1 **SEC. 14. LABOR MARKET INFORMATION ON INDIAN WORK**
2 **FORCE.**

3 Section 17 (25 U.S.C. 3416) is amended—

4 (1) in subsection (a), in the first sentence—

5 (A) by striking “, in a consistent and reli-
6 able manner,”; and

7 (B) by striking “, by gender,”; and

8 (2) in subsection (b)—

9 (A) in the first sentence—

10 (i) by striking “and the National Cen-
11 ter for Native American Studies and Policy
12 Development authorized by Public Law
13 101-301,”; and

14 (ii) by striking “and Alaska Native
15 population throughout the entire United
16 States” and inserting “throughout the
17 United States”;

18 (B) in the second sentence, by inserting “,
19 tribal organizations,” after “Indian tribes”; and

20 (C) by striking the third sentence and in-
21 serting the following: “The report under this
22 subsection shall be submitted to the Committee
23 on Indian Affairs of the Senate and the Com-
24 mittees on Natural Resources and Education
25 and Labor of the House of Representatives by
26 not later than October 30, 2015.”.

1 **SEC. 15. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE**
 2 **INDIAN ECONOMIC DEVELOPMENT PRO-**
 3 **GRAMS.**

4 Section 18 (25 U.S.C. 3417) is amended—

5 (1) by inserting “or tribal organizations” after
 6 “Indian tribes”; and

7 (2) by striking “1970; may deem” and inserting
 8 “1970 (42 U.S.C. 4701 et seq.); determines to be”.

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

10 (a) **REPEALS.**—Sections 15 and 16 (25 U.S.C. 3414,
 11 3415) are repealed.

12 (b) **CONFORMING AMENDMENTS.**—Sections 17 and
 13 18 (25 U.S.C. 3416, 3417) (as amended by this Act) are
 14 redesignated as sections 15 and 16, respectively.

15 **SEC. 17. EFFECT OF ACT.**

16 Nothing in this Act or an amendment made by this
 17 Act—

18 (1) affects any plan approved under the Indian
 19 Employment, Training and Related Services Dem-
 20 onstration Act of 1992 (25 U.S.C. 3401 et seq.) be-
 21 fore the date of enactment of this Act;

22 (2) requires any Indian tribe or tribal organiza-
 23 tion to resubmit a plan described in paragraph (1);
 24 or

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Indian Employment,*
 3 *Training and Related Services Consolidation Act of 2014”.*

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

5 (a) *IN GENERAL.*—Section 1 of the Indian Employ-
 6 *ment, Training and Related Services Demonstration Act of*
 7 *1992 (25 U.S.C. 3401 note; 106 Stat. 2302) is amended*
 8 *to read as follows:*

9 **“SECTION 1. SHORT TITLE.**

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

12 (b) *REFERENCES.*—Any reference in law to the “In-
 13 *dian Employment, Training and Related Services Dem-*
 14 *onstration Act of 1992” shall be deemed to be a reference*
 15 *to the “Indian Employment, Training and Related Services*
 16 *Act of 1992”.*

17 **SEC. 3. STATEMENT OF PURPOSE.**

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

21 (1) by striking “The purposes of this Act are to
 22 demonstrate how Indian tribal governments can” and
 23 inserting “The purpose of this Act is to facilitate the
 24 ability of Indian tribes and tribal organizations to”;

25 (2) by inserting “from diverse Federal sources”
 26 after “they provide”;

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

6 **SEC. 4. DEFINITIONS.**

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

10 (1) by striking paragraph (2) and inserting the
 11 following:

12 “(2) INDIAN TRIBE.—

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

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

22 (2) by redesignating paragraph (4) as para-
 23 graph (5); and

24 (3) by inserting after paragraph (3) the fol-
 25 lowing:

1 “(4) *PROGRAM.*—The term ‘program’ means a
2 program described in section 5(a).”.

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

4 Section 4 of the Indian Employment, Training and
5 *Related Services Act of 1992 (25 U.S.C. 3403) is amended*
6 *to read as follows:*

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

8 *“The Secretary shall, after approving a plan submitted*
9 *by an Indian tribe in accordance with section 8, authorize*
10 *the Indian tribe to, in accordance with the plan—*

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

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

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

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

20 **“SEC. 5. PROGRAMS AFFECTED.**

21 “(a) *PROGRAMS AFFECTED.*—

22 “(1) *IN GENERAL.*—The programs that may be
23 integrated pursuant to a plan approved under section
24 8 shall be only programs—

25 “(A) implemented for the purpose of—

- 1 “(i) job training;
- 2 “(ii) welfare to work and tribal work
- 3 experience;
- 4 “(iii) creating or enhancing employ-
- 5 ment opportunities;
- 6 “(iv) higher education;
- 7 “(v) skill development;
- 8 “(vi) assisting Indian youth and
- 9 adults to succeed in the workforce;
- 10 “(vii) encouraging self-sufficiency;
- 11 “(viii) familiarizing individual par-
- 12 ticipants with the world of work;
- 13 “(ix) facilitating the creation of job op-
- 14 portunities;
- 15 “(x) economic development; or
- 16 “(xi) any services related to the activi-
- 17 ties described in clauses (i) through (x); 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.—For
5 purposes of this section, programs funded by block
6 grant funds provided to an Indian tribe, regardless of
7 whether the block grant is for the benefit of the Indian
8 tribe because of the status of the Indian tribe or the
9 status of the beneficiaries the grant serves, shall be eli-
10 gible to be integrated into the plan.

11 “(b) INVENTORY OF AFFECTED PROGRAMS.—

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

14 “(A) assess the programs of the Department
15 of the Interior, the Department of Health and
16 Human Services, the Department of Labor, the
17 Department of Justice, the Department of Agri-
18 culture, the Department of Commerce, the De-
19 partment of Education, the Department of En-
20 ergy, the Department of Homeland Security, the
21 Department of Housing and Urban Develop-
22 ment, the Department of Transportation, and the
23 Department of Veteran Affairs; and

24 “(B) not later than 180 days after the date
25 of enactment of this subsection, develop an inven-

1 *tory of all programs of the departments referred*
 2 *to in subparagraph (A) that meet the criteria of*
 3 *a program under subsection (a).*

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

7 *“(A) any program identified by the Comp-*
 8 *troller General of the United States in the inven-*
 9 *tory under paragraph (1); and*

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

14 **SEC. 7. PLAN REQUIREMENTS.**

15 *Section 6 of the Indian Employment, Training and*
 16 *Related Services Act of 1992 (25 U.S.C. 3405) is amended*
 17 *to read as follows:*

18 **“SEC. 6. PLAN REQUIREMENTS.**

19 *“A plan submitted to the Secretary for approval under*
 20 *this Act shall—*

21 *“(1) identify the programs to be integrated and*
 22 *consolidated;*

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

24 *“(3) describe—*

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

5 “(B) the education, training, and related
6 services to be provided to assist Indians to access
7 those employment opportunities;

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

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

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

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

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

21 “(7) be approved by the governing body of the
22 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 amended*
5 *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 overseeing*
9 *a program identified in the plan; and*

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

11 “(b) *IDENTIFICATION OF WAIVERS.*—*The parties iden-*
12 *tified in subsection (a) shall identify any waivers of appli-*
13 *cable statutory, regulatory, or administrative requirements,*
14 *or of Federal agency policies or procedures necessary to en-*
15 *able the Indian tribe to efficiently implement the plan.*

16 “(c) *TRIBAL WAIVER REQUEST.*—*In consultation with*
17 *the Secretary, a participating Indian tribe may request*
18 *that the head of each affected agency waive any statutory,*
19 *regulatory, or administrative requirement, policy, or proce-*
20 *dure identified subsection (b).*

21 “(d) *WAIVER AUTHORITY.*—

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

1 *promulgated by the agency that has been identified by*
2 *the parties under subparagraph (b).*

3 “(2) *EXCEPTION.*—*The head of an affected Fed-*
4 *eral agency shall not grant a waiver under paragraph*
5 *(1) if the head of the affected agency determines that*
6 *a waiver will be inconsistent with—*

7 “(A) *the purposes of this Act; or*

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

11 “(e) *DECISION ON WAIVER REQUEST.*—

12 “(1) *IN GENERAL.*—*Not later than 90 days after*
13 *the head of an affected agency receives a waiver re-*
14 *quest, the head of the affected agency shall decide*
15 *whether to grant or deny the request.*

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

22 “(3) *FAILURE TO ACT ON REQUEST.*—*If the head*
23 *of an affected agency does not make a decision under*
24 *paragraph (1) by the deadline identified in that*

1 *paragraph, the request shall be considered to be grant-*
2 *ed.*

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

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

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

13 “(g) *INTERAGENCY DISPUTE RESOLUTION.*—

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

22 “(A) *the Secretary;*

23 “(B) *the participating Indian tribe; and*

24 “(C) *the head of the affected agency.*

1 “(2) *DURATION.*—A dispute subject to paragraph
2 (1) shall be resolved not later than 30 days after the
3 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 affected
7 agency shall have the final authority to resolve the dispute.

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

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

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

16 **SEC. 9. PLAN APPROVAL; SECRETARIAL AUTHORITY; RE-**
17 **VIEW OF DECISION.**

18 Section 8 of the Indian Employment, Training and
19 Related Services Act of 1992 (25 U.S.C. 3407) is amended
20 to read as follows:

21 **“SEC. 8. PLAN APPROVAL; SECRETARIAL AUTHORITY; RE-**
22 **VIEW OF DECISION.**

23 “(a) *IN GENERAL.*—The Secretary shall have exclusive
24 authority to approve or disapprove a plan submitted by an
25 Indian tribe in accordance with section 6.

1 “(b) *APPROVAL PROCESS.*—

2 “(1) *IN GENERAL.*—*Not later than 90 days after*
3 *the date on which the Secretary receives a plan, the*
4 *Secretary shall approve or deny the plan.*

5 “(2) *APPROVAL.*—*If the Secretary approves a*
6 *plan under paragraph (1), the Secretary shall author-*
7 *ize the transfer of program funds identified in the*
8 *plan in accordance with section 13.*

9 “(3) *DENIAL.*—*If the Secretary denies the plan*
10 *under paragraph (1), the Secretary shall provide to*
11 *the Indian tribe a written notification of disapproval*
12 *of the plan that contains a specific finding that clear-*
13 *ly demonstrates, or that is supported by a controlling*
14 *legal authority, that the plan does not meet the re-*
15 *quirements described in section 6.*

16 “(4) *PARTIAL APPROVAL.*—

17 “(A) *IN GENERAL.*—*If a plan is denied*
18 *under paragraph (3) solely on the basis that a*
19 *request for a waiver that is part of the plan has*
20 *not been approved (or is subject to dispute reso-*
21 *lution) under section 7, the Secretary shall, upon*
22 *a request from the tribe, grant partial approval*
23 *for those portions of the plan not affected by the*
24 *request for a waiver.*

1 “(B) *APPROVAL AFTER RESOLUTION.*—With
2 *respect to a plan described in subparagraph (A),*
3 *on resolution of the request for a waiver under*
4 *section 7, the Secretary shall, on a request from*
5 *the tribe, approve the plan or amended plan not*
6 *later than 90 days after the date on which the*
7 *Secretary receives the request.*

8 “(5) *FAILURE TO ACT.*—*If the Secretary does not*
9 *make a decision under paragraph (1) within 90 days*
10 *of the date on which the Secretary receives the plan,*
11 *the plan shall be considered to be approved.*

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

18 “(d) *REVIEW OF DENIAL.*—

19 “(1) *PROCEDURE UPON REFUSAL TO APPROVE*
20 *PLAN.*—*If the Secretary denies a plan under sub-*
21 *section (b)(3), the Secretary shall—*

22 “(A) *state any objections in writing to the*
23 *Indian tribe;*

24 “(B) *provide assistance to the Indian tribe*
25 *to overcome the stated objections; and*

1 “(C) unless the Indian tribe brings a civil
2 action under paragraph (2), provide the Indian
3 tribe with a hearing on the record with the right
4 to engage in full discovery relevant to any issue
5 raised in the matter and the opportunity for ap-
6 peal on the objections raised, under such rules
7 and regulations as the Secretary may promul-
8 gate.

9 “(2) CIVIL ACTIONS; CONCURRENT JURISDICTION;
10 RELIEF.—

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

18 “(B) ADMINISTRATIVE HEARING AND AP-
19 PEAL NOT REQUIRED.—An Indian tribe may
20 bring a civil action or claim under this para-
21 graph without regard to whether the Indian tribe
22 had a hearing or filed an appeal under para-
23 graph (1).

1 “(C) *RELIEF.*—*In an action brought under*
2 *this paragraph, the court may order appropriate*
3 *relief, including—*

4 “(i) *money damages;*

5 “(ii) *injunctive relief against any ac-*
6 *tion by an officer or employee of the United*
7 *States or any agency thereof contrary to*
8 *this Act or regulations promulgated there-*
9 *under (including immediate injunctive re-*
10 *lief to reverse a denial of a plan under this*
11 *section or to compel the Secretary to ap-*
12 *prove a plan); and*

13 “(iii) *a writ of mandamus to compel*
14 *an officer or employee of the United States,*
15 *or any agency thereof, to perform a duty*
16 *provided under this Act or regulations pro-*
17 *mulgated hereunder.*

18 “(3) *BURDEN OF PROOF AT HEARING OR APPEAL*
19 *DECLINING CONTRACT; FINAL AGENCY ACTION.*—

20 “(A) *IN GENERAL.*—*With respect to any*
21 *hearing or appeal conducted under paragraph*
22 *(1)(C) or any civil action brought under para-*
23 *graph (2), the Secretary shall have the burden of*
24 *proving by clear and convincing evidence the va-*

1 *lidity of the grounds for denying approval of a*
2 *plan (or portion thereof).*

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

12 *“(i) by an official of the Department*
13 *who holds a position at a higher organiza-*
14 *tional level within the Department than the*
15 *level of the departmental agency (such as*
16 *the Indian Health Service or the Bureau of*
17 *Indian Affairs) in which the decision that*
18 *is the subject of the appeal was made; or*

19 *“(ii) by an administrative judge.*

20 “(4) *APPLICATION OF LAWS TO ADMINISTRATIVE*
21 *APPEALS.*—*Section 504 of title 5, United States Code,*
22 *and section 2412 of title 28, United States Code, shall*
23 *apply to any administrative appeals pending on or*
24 *filed after October 5, 1988, by an Indian tribe regard-*
25 *ing a plan under this Act.”.*

1 **SEC. 10. EMPLOYER TRAINING PLACEMENTS.**

2 *Section 10 of the Indian Employment, Training and*
3 *Related Services Act of 1992 (25 U.S.C. 3409) is amended*
4 *to read as follows:*

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

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

10 *“(1) to place participants in training positions*
11 *with employers; and*

12 *“(2) to pay the participants a training allow-*
13 *ance or wage for a training period of not more than*
14 *24 months, which may be nonconsecutive.*

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

19 *“(1) to provide on-the-job training to the partici-*
20 *pants; and*

21 *“(2) on satisfactory completion of the training*
22 *period described in subsection (a)(2), to prioritize the*
23 *provision of permanent employment to the partici-*
24 *pants.”.*

1 **SEC. 11. FEDERAL RESPONSIBILITIES.**

2 *Section 11 of the Indian Employment, Training and*
3 *Related Services Act of 1992 (25 U.S.C. 3410) is amended*
4 *to read as follows:*

5 **“SEC. 11. FEDERAL RESPONSIBILITIES.**

6 *“(a) LEAD AGENCY.—*

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

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

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

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

23 *“(C) the development and use of a single*
24 *monitoring and oversight system for plans ap-*
25 *proved under this Act;*

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

3 “(ii) the distribution of the funds to the re-
4 spective Indian tribes by not later than 45 days
5 after the date of receipt of the funds from the ap-
6 propriate Federal department or agency; and

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

10 “(ii) the establishment of an interagency
11 dispute resolution process.

12 “(3) MEMORANDUM OF AGREEMENT.—

13 “(A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of the Indian Em-
15 ployment, Training and Related Services Con-
16 solidation Act of 2014, the Secretary (acting
17 through the Director of the Bureau of Indian Af-
18 fairs), in conjunction with the Secretaries of Ag-
19 riculture, Commerce, Education, Energy, Health
20 and Human Services, Homeland Security, Hous-
21 ing and Urban Development, Labor, Transpor-
22 tation, and Veterans Affairs and the Attorney
23 General, shall enter into an interdepartmental
24 memorandum of agreement providing for the im-
25 plementation of this Act.

1 “(B) *INCLUSIONS.*—*The memorandum of*
2 *agreement under subparagraph (A) shall include*
3 *provisions relating to—*

4 “(i) *an annual meeting of partici-*
5 *parting Indian tribes and Federal depart-*
6 *ments and agencies, to be co-chaired by—*

7 “(I) *a representative of the Presi-*
8 *dent; and*

9 “(II) *a representative of the par-*
10 *ticipating Indian tribes;*

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

17 “(iii) *a forum comprised of partici-*
18 *parting Indian tribes and Federal depart-*
19 *ments and agencies to identify and resolve*
20 *interagency conflicts and conflicts between*
21 *the Federal Government and Indian tribes*
22 *in the administration of this Act.*

23 “(b) *REPORT FORMAT.*—

24 “(1) *IN GENERAL.*—*The lead agency shall de-*
25 *velop and distribute to Indian tribes that have in*

1 *place an approved plan under this Act a single report*
2 *format, in accordance with the requirements of this*
3 *Act.*

4 “(2) *REQUIREMENTS.*—*The lead agency shall en-*
5 *sure that the report format developed under para-*
6 *graph (1), together with records maintained by each*
7 *participating Indian tribe, contains information suf-*
8 *ficient—*

9 “(A) *to determine whether the Indian tribe*
10 *has complied with the requirements of the ap-*
11 *proved plan of the Indian tribe; and*

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

17 “(3) *LIMITATION.*—*The report format developed*
18 *under paragraph (1) shall not require a participating*
19 *Indian tribe to report on the expenditure of funds (ex-*
20 *pressed by fund source or single agency code) trans-*
21 *ferred to the Indian tribe under an approved plan*
22 *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 amended*
4 *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 place*
8 *an approved plan under this Act be reduced as a result*
9 *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 *Indian 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 provision*
23 *relates to a specific program eligible for contracting*
24 *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 amended*
4 *to read as follows:*

5 **“SEC. 13. TRANSFER OF FUNDS.**

6 *“(a) IN GENERAL.—Notwithstanding any other provi-*
7 *sion of law, not later than 30 days after the date of appor-*
8 *tionment to the applicable Federal department or agency,*
9 *the head of a Federal agency overseeing a program identi-*
10 *fied in a plan approved under this Act shall transfer to*
11 *the Director of the Bureau of Indian Affairs for distribution*
12 *to an Indian tribe any funds identified in the approved*
13 *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 con-*
19 *tract, compact, or funding agreement awarded pursuant to*
20 *title I or IV of the Indian Self-Determination and Edu-*
21 *cation 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 subsection*
2 *(e);*

3 (2) *by striking the section designation and head-*
4 *ing and all that follows through subsection (a) and*
5 *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 in*
14 *the approved plan to best meet the employment,*
15 *training, and related needs of the local commu-*
16 *nity 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 appro-*
21 *priate to ensure the amounts are spent on activi-*
22 *ties authorized under the approved plan.*

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

1 *conform to generally accepted accounting prin-*
2 *ciples, auditing procedures, and safeguarding of*
3 *funds that conform to chapter 75 of title 31,*
4 *United States Code (commonly known as the*
5 *'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 the*
14 *approved plan to the program for which the*
15 *funds were initially authorized or transferred;*

16 “(B) *to allocate expenditures among such a*
17 *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 an*
22 *Indian tribe under this Act that are not obligated or*
23 *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 the*
2 *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 In-*
6 *dian tribe shall not be required to provide any addi-*
7 *tional justification or documentation of the purposes*
8 *of the approved plan as a condition of receiving or*
9 *expending the funds.*

10 *“(c) INDIRECT COSTS.—Notwithstanding any other*
11 *provision of law, an Indian tribe shall be entitled to recover*
12 *100 percent of any indirect costs incurred by the Indian*
13 *tribe as a result of the transfer of funds to the Indian tribe*
14 *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 in-*
22 *serting the following: “regulations).*

23 *“(2) TREATMENT.—The amount equal to the dif-*
24 *ference between the amount of the commingled funds*
25 *and the actual administrative cost of the programs, as*

1 *described in paragraph (1), shall be considered to be*
2 *properly spent for Federal audit purposes if the*
3 *amount is used to achieve the purposes of this Act.*

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

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

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

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

16 “(g) *INTEREST OR OTHER INCOME.*—

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

1 “(2) *PRUDENT INVESTMENT.*—*Funds transferred*
 2 *under a plan shall be managed in accordance with*
 3 *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 fol-*
 10 *lows through “manner,” and inserting “The Secretary*
 11 *of Labor, in consultation with the Secretary, Indian*
 12 *tribes, and the Director of the Bureau of the Census,*
 13 *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 18*
 20 *of the Indian Employment, Training and Related Services*
 21 *Act of 1992 (25 U.S.C. 3416, 3417) (as amended by this*
 22 *Act) are redesignated as sections 15 and 16, respectively.*

23 **SEC. 17. EFFECT OF ACT.**

24 *Nothing in this Act or any amendment made by this*
 25 *Act—*

1 (1) *affects any plan approved under the Indian*
2 *Employment, Training and Related Services Act of*
3 *1992 (25 U.S.C. 3401 et seq.) (as so redesignated) be-*
4 *fore the date of enactment of this Act;*

5 (2) *requires any Indian tribe or tribal organiza-*
6 *tion to resubmit a plan described in paragraph (1);*
7 *or*

8 (3) *modifies the effective period of any plan de-*
9 *scribed in paragraph (1).*

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113TH CONGRESS
2^D SESSION
S. 1574

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.

AUGUST 26, 2014

Reported with an amendment