

115TH CONGRESS
1ST SESSION

S. 91

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

JANUARY 10, 2017

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

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 2017”.

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) is amended to read as fol-
5 lows:

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), as amend-
17 ed by section 2 of this Act, is amended—

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), as amend-
7 ed by section 2 of this Act, is amended—

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. 5304).

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. 5304)).”;

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), as amend-
4 ed by section 2 of this Act, is amended 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 in accordance with waiv-
12 er authority granted under section 7(d); 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), as amend-
19 ed by section 2 of this Act, is amended 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 sec-
24 tion 8 shall be only programs—

25 “(A) implemented for the purpose of—

26 “(i) job training;

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

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

5 “(iv) skill development;

6 “(v) assisting Indian youth and adults
7 to succeed in the workforce;

8 “(vi) encouraging self-sufficiency;

9 “(vii) familiarizing individual partici-
10 pants with the world of work;

11 “(viii) facilitating the creation of job
12 opportunities;

13 “(ix) economic development; or

14 “(x) any services related to the activi-
15 ties described in clauses (i) through (ix);

16 and

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

19 “(i) are eligible to receive funds—

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

23 “(II) due to their status as Indi-
24 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) PROGRAM AUTHORIZATION.—The Secretary
13 shall, in cooperation with the Attorney General, the Sec-
14 retary of Agriculture, the Secretary of Commerce, the Sec-
15 retary of Education, the Secretary of Energy, the Sec-
16 retary of Health and Human Services, the Secretary of
17 Homeland Security, the Secretary of Housing and Urban
18 Development, the Secretary of Labor, the Secretary of
19 Transportation, and the Secretary of Veterans Affairs,
20 after the Secretary approves a plan submitted by an In-
21 dian tribe or tribal organization under section 8, authorize
22 the Indian tribe or tribal organization, as applicable, to
23 coordinate, in accordance with the plan, federally funded
24 employment, training, and related services programs and

1 funding in a manner that integrates the programs and
2 funding into a consolidated and comprehensive program.”.

3 **SEC. 7. PLAN REQUIREMENTS.**

4 Section 6 of the Indian Employment, Training and
5 Related Services Act of 1992 (25 U.S.C. 3405), as amend-
6 ed by section 2 of this Act, is amended to read as follows:

7 **“SEC. 6. PLAN REQUIREMENTS.**

8 “A plan submitted to the Secretary for approval
9 under this Act shall—

10 “(1) identify the programs to be integrated and
11 consolidated;

12 “(2) be consistent with the purpose of this Act;

13 “(3) describe—

14 “(A) a comprehensive strategy identifying
15 the full range of potential employment opportu-
16 nities on and near the service area of the In-
17 dian tribe;

18 “(B) the education, training, and related
19 services to be provided to assist Indians to ac-
20 cess those employment opportunities;

21 “(C) the way in which services and pro-
22 gram funds are to be integrated, consolidated,
23 and delivered; and

24 “(D) the results expected, including the ex-
25 pected number of program participants in un-

1 subsidized employment during the second quar-
2 ter after exit from the program, from the plan;

3 “(4) identify the projected expenditures under
4 the plan in a single budget covering all consolidated
5 funds;

6 “(5) identify any agency of the Indian tribe to
7 be involved in the delivery of the services integrated
8 under the plan;

9 “(6) identify any statutory provisions, regula-
10 tions, policies, or procedures that the Indian tribe
11 believes need to be waived to implement the plan;
12 and

13 “(7) be approved by the governing body of the
14 Indian tribe.”.

15 **SEC. 8. PLAN REVIEW; WAIVER AUTHORITY; AND DISPUTE**
16 **RESOLUTION.**

17 Section 7 of the Indian Employment, Training and
18 Related Services Act of 1992 (25 U.S.C. 3406), as amend-
19 ed by section 2 of this Act, is amended to read as follows:

20 **“SEC. 7. PLAN REVIEW.**

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

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

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

1 “(b) IDENTIFICATION OF WAIVERS.—The parties
2 identified in subsection (a) shall identify any waivers of
3 applicable statutory, regulatory, or administrative require-
4 ments, or of Federal agency policies or procedures nec-
5 essary to enable the Indian tribe to efficiently implement
6 the plan.

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

12 “(d) WAIVER AUTHORITY.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), notwithstanding any other provision of
15 law, the head of each affected Federal agency shall
16 waive any applicable statutory, regulatory, or admin-
17 istrative requirement, regulation, policy, or proce-
18 dure promulgated by the agency that has been iden-
19 tified by the parties under subparagraph (b).

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

24 “(A) the purpose of this Act; or

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

4 “(e) DECISION ON WAIVER REQUEST.—

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

9 “(2) DENIAL OF REQUEST.—If the head of the
10 affected agency denies a waiver request, not later
11 than 30 days after the date on which the denial is
12 made, the head of the affected agency shall provide
13 the requesting Indian tribe and the Secretary with
14 written notice of the denial and the reasons for the
15 denial.

16 “(3) FAILURE TO ACT ON REQUEST.—If the
17 head of an affected agency does not make a decision
18 under paragraph (1) by the deadline identified in
19 that paragraph, the request shall be considered to be
20 granted.

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

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

3 “(2) will prevent the affected agency from ful-
4 filling the obligations of the affected agency under
5 this Act.

6 “(g) INTERAGENCY DISPUTE RESOLUTION.—

7 “(1) IN GENERAL.—Not later than 30 days
8 after the date on which the Secretary determines
9 that granting the waiver will not be inconsistent
10 with the provisions of this Act and will not prevent
11 the affected agency from fulfilling the obligations of
12 the affected agency under this Act, the Secretary
13 shall establish and initiate an interagency dispute
14 resolution process involving—

15 “(A) the Secretary;

16 “(B) the participating Indian tribe; and

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

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

21 “(h) FINAL AUTHORITY.—If the dispute resolution
22 process fails to resolve the dispute between a participating
23 Indian tribe and an affected agency, the head of the af-
24 fected agency shall have the final authority to resolve the
25 dispute.

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

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

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

10 **SEC. 9. PLAN APPROVAL; SECRETARIAL AUTHORITY; RE-**
 11 **VIEW OF DECISION.**

12 Section 8 of the Indian Employment, Training and
 13 Related Services Act of 1992 (25 U.S.C. 3407), as amend-
 14 ed by section 2 of this Act, is amended to read as follows:

15 **“SEC. 8. PLAN APPROVAL; SECRETARIAL AUTHORITY; RE-**
 16 **VIEW OF DECISION.**

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

20 “(b) APPROVAL PROCESS.—

21 “(1) IN GENERAL.—Not later than 90 days
 22 after the date on which the Secretary receives a
 23 plan, the Secretary shall, after coordinating with the
 24 Secretary of each Federal agency providing funds to

1 be used to implement the plan, approve or deny the
2 plan.

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

7 “(3) DENIAL.—If the Secretary denies the plan
8 under paragraph (1), the Secretary shall provide to
9 the Indian tribe a written notification of disapproval
10 of the plan that contains a specific finding that
11 clearly demonstrates, or that is supported by a con-
12 trolling legal authority, that the plan does not meet
13 the requirements described in section 6.

14 “(4) PARTIAL APPROVAL.—

15 “(A) IN GENERAL.—If a plan is denied
16 under paragraph (3) solely on the basis that a
17 request for a waiver that is part of the plan has
18 not been approved (or is subject to dispute res-
19 olution) under section 7, the Secretary shall,
20 upon a request from the tribe, grant partial ap-
21 proval for those portions of the plan not af-
22 fected by the request for a waiver.

23 “(B) APPROVAL AFTER RESOLUTION.—
24 With respect to a plan described in subpara-
25 graph (A), on resolution of the request for a

1 waiver under section 7, the Secretary shall, on
2 a request from the tribe, approve the plan or
3 amended plan not later than 90 days after the
4 date on which the Secretary receives the re-
5 quest.

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

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

16 “(d) REVIEW OF DENIAL.—

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

20 “(A) state any objections in writing to the
21 Indian tribe;

22 “(B) provide assistance to the Indian tribe
23 to overcome the stated objections; and

24 “(C) unless the Indian tribe brings a civil
25 action under paragraph (2), provide the Indian

1 tribe with a hearing on the record with the
2 right to engage in full discovery relevant to any
3 issue raised in the matter and the opportunity
4 for appeal on the objections raised, under such
5 rules and regulations as the Secretary may pro-
6 mulgate.

7 “(2) CIVIL ACTIONS.—

8 “(A) IN GENERAL.—The district courts of
9 the United States shall have original jurisdic-
10 tion of a civil action against the appropriate
11 Secretary arising under this section.

12 “(B) ADMINISTRATIVE HEARING AND AP-
13 PEAL NOT REQUIRED.—An Indian tribe may
14 bring a civil action under this paragraph with-
15 out regard to whether the Indian tribe had a
16 hearing or filed an appeal under paragraph (1).

17 “(C) RELIEF.—In an action brought under
18 this paragraph, the court may order appro-
19 priate relief (including injunctive relief to re-
20 verse a denial of a plan under this section or
21 to compel an officer or employee of the United
22 States, or any agency thereof, to perform a
23 duty provided under this Act or regulations pro-
24 mulgated thereunder) against any action by an
25 officer or employee of the United States or any

1 agency thereof contrary to this Act or regula-
2 tions promulgated thereunder.

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

12 “(A) by an official of the Department who
13 holds a position at a higher organizational level
14 within the Department than the level of the de-
15 partmental agency (such as the Indian Health
16 Service or the Bureau of Indian Affairs) in
17 which the decision that is the subject of the ap-
18 peal was made; or

19 “(B) by an administrative law judge.”.

20 **SEC. 10. EMPLOYER TRAINING PLACEMENTS.**

21 Section 10 of the Indian Employment, Training and
22 Related Services Act of 1992 (25 U.S.C. 3409), as amend-
23 ed by section 2 of this Act, is amended to read as follows:

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

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

6 “(1) to place participants in training positions
7 with employers; and

8 “(2) to pay the participants a training allow-
9 ance or wage for a training period of not more than
10 24 months, which may be nonconsecutive.

11 “(b) REQUIREMENTS.—An Indian tribe may carry
12 out subsection (a) only if the Indian tribe enters into a
13 written agreement with each applicable employer under
14 which the employer shall agree—

15 “(1) to provide on-the-job training to the par-
16 ticipants; and

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

21 **SEC. 11. FEDERAL RESPONSIBILITIES.**

22 Section 11 of the Indian Employment, Training and
23 Related Services Act of 1992 (25 U.S.C. 3410), as amend-
24 ed by section 2 of this Act, is amended to read as follows:

25 **“SEC. 11. FEDERAL RESPONSIBILITIES.**

26 “(a) LEAD AGENCY.—

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

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

8 “(A) in coordination with the head of each
9 Federal agency overseeing a program identified
10 in the plan, the development of a single model
11 report for each Indian tribe that has in place an
12 approved plan under this Act to submit to the
13 Director reports on any consolidated activities
14 undertaken and joint expenditures made under
15 the plan;

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

19 “(C) the development and use of a single
20 monitoring and oversight system for plans ap-
21 proved under this Act;

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

24 “(ii) the distribution of the funds to the re-
25 spective Indian tribes by not later than 45 days

1 after the date of receipt of the funds from the
2 appropriate Federal department or agency; and

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

6 “(ii) the establishment of an interagency
7 dispute resolution process.

8 “(3) MEMORANDUM OF AGREEMENT.—

9 “(A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of the Indian Em-
11 ployment, Training and Related Services Con-
12 solidation Act of 2017, the Secretary (acting
13 through the Director of the Bureau of Indian
14 Affairs), in conjunction with the Secretaries of
15 Agriculture, Commerce, Education, Energy,
16 Health and Human Services, Homeland Secu-
17 rity, Housing and Urban Development, Labor,
18 Transportation, and Veterans Affairs and the
19 Attorney General, shall enter into an inter-
20 departmental memorandum of agreement pro-
21 viding for the implementation of this Act.

22 “(B) INCLUSIONS.—The memorandum of
23 agreement under subparagraph (A) shall in-
24 clude provisions relating to—

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

4 “(I) a representative of the Presi-
5 dent; and

6 “(II) a representative of the par-
7 ticipating Indian tribes;

8 “(ii) an annual review of the achieve-
9 ments under this Act, including the num-
10 ber and percentage of program partici-
11 pants in unsubsidized employment during
12 the second quarter after exit from the pro-
13 gram, and any statutory, regulatory, ad-
14 ministrative, or policy obstacles that pre-
15 vent participating Indian tribes from fully
16 and efficiently carrying out the purposes of
17 this Act; and

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

24 “(b) REPORT FORMAT.—

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

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

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

14 “(B) to determine the number and per-
15 centage of program participants in unsubsidized
16 employment during the second quarter after
17 exit from the program; and

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

23 “(3) LIMITATION.—The report format devel-
24 oped under paragraph (1) shall not require a partici-
25 pating Indian tribe to report on the expenditure of

1 funds expressed by fund source or single agency
2 code transferred to the Indian tribe under an ap-
3 proved plan under this Act but instead shall require
4 the Indian tribe to submit a single report on the ex-
5 penditure of consolidated funds under such plan.”.

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

7 Section 12 of the Indian Employment, Training and
8 Related Services Act of 1992 (25 U.S.C. 3411), as amend-
9 ed by section 2 of this Act, is amended to read as follows:

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

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

15 “(1) the enactment of this Act; or

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

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

21 “(1) modify, limit, or otherwise affect the eligi-
22 bility of the program for contracting under the In-
23 dian Self-Determination and Education Assistance
24 Act (25 U.S.C. 5304 et seq.); or

1 “(2) eliminate the applicability of any provision
2 of the Indian Self-Determination and Education As-
3 sistance Act (25 U.S.C. 5304 et seq.), as the provi-
4 sion relates to a specific program eligible for con-
5 tracting under that Act.”.

6 **SEC. 13. TRANSFER OF FUNDS.**

7 Section 13 of the Indian Employment, Training and
8 Related Services Act of 1992 (25 U.S.C. 3412), as amend-
9 ed by section 2 of this Act, is amended to read as follows:

10 **“SEC. 13. TRANSFER OF FUNDS.**

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

19 “(b) TRANSFER OF FUNDS.—Notwithstanding any
20 other provision of law, at the request of the Indian tribe,
21 all program funds transferred to an Indian tribe in accord-
22 ance with the approved plan of the Indian tribe shall be
23 transferred to the Indian tribe pursuant to an existing
24 contract, compact, or funding agreement awarded pursu-

1 ant to title I or IV of the Indian Self-Determination and
2 Education Assistance Act (25 U.S.C. 5304 et seq.).”.

3 **SEC. 14. ADMINISTRATION OF FUNDS.**

4 Section 14 of the Indian Employment, Training and
5 Related Services Act of 1992 (25 U.S.C. 3413), as amend-
6 ed by section 2 of this Act, is amended—

7 (1) by redesignating subsection (b) as sub-
8 section (d);

9 (2) by striking the section designation and
10 heading and all that follows through subsection (a)
11 and inserting the following:

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

13 **“(a) REQUIREMENTS.—**

14 **“(1) IN GENERAL.—**

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

23 **“(B) AUTHORIZED USE OF FUNDS.—**The
24 amounts used to carry out a plan approved
25 under this Act shall be administered in such

1 manner as the Secretary determines to be ap-
2 propriate to ensure the amounts are spent on
3 activities authorized under the approved plan.

4 “(C) EFFECT.—Nothing in this section
5 interferes with the ability of the Secretary or
6 the lead agency to use accounting procedures
7 that conform to generally accepted accounting
8 principles, auditing procedures, and safe-
9 guarding of funds that conform to chapter 75
10 of title 31, United States Code (commonly
11 known as the ‘Single Audit Act of 1984’).

12 “(2) SEPARATE RECORDS AND AUDITS NOT RE-
13 QUIRED.—Notwithstanding any other provision of
14 law (including regulations and circulars of any agen-
15 cy (including Office of Management and Budget Cir-
16 cular A-133)), an Indian tribe that has in place an
17 approved plan under this Act shall not be required—

18 “(A) to maintain separate records that
19 trace any service or activity conducted under
20 the approved plan to the program for which the
21 funds were initially authorized or transferred;

22 “(B) to allocate expenditures among such
23 a program; or

24 “(C) to audit expenditures by the original
25 source of the program.

1 “(b) CARRYOVER.—

2 “(1) IN GENERAL.—Any funds transferred to
3 an Indian tribe under this Act that are not obligated
4 or expended prior to the beginning of the fiscal year
5 after the fiscal year for which the funds were appro-
6 priated shall remain available for obligation or ex-
7 penditure without fiscal year limitation, subject to
8 the condition that the funds shall be obligated or ex-
9 pended in accordance with the approved plan of the
10 Indian tribe.

11 “(2) NO ADDITIONAL DOCUMENTATION.—The
12 Indian tribe shall not be required to provide any ad-
13 ditional justification or documentation of the pur-
14 poses of the approved plan as a condition of receiv-
15 ing or expending the funds.

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

21 (3) in subsection (d) (as redesignated by para-
22 graph (1))—

23 (A) by striking “All administrative” and
24 inserting the following:

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

1 (B) by striking “regulations)” and all that
2 follows through the end of the subsection and
3 inserting the following: “regulations).

4 “(2) TREATMENT.—The amount equal to the
5 difference between the amount of the commingled
6 funds and the actual administrative cost of the pro-
7 grams, as described in paragraph (1), shall be con-
8 sidered to be properly spent for Federal audit pur-
9 poses if the amount is used to achieve the purposes
10 of this Act.

11 “(e) MATCHING FUNDS.—Notwithstanding any other
12 provision of law, any funds transferred to an Indian tribe
13 under this Act shall be treated as non-Federal funds for
14 purposes of meeting matching requirements under any
15 other Federal law, except those administered by the De-
16 partment of Labor or the Department of Health and
17 Human Services.

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

20 “(1) Section 314 of the Department of the In-
21 terior and Related Agencies Appropriations Act,
22 1991 (Public Law 101–512; 104 Stat. 1959).

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

25 “(g) INTEREST OR OTHER INCOME.—

1 U.S.C. 3414, 3415), as amended by section 2 of this Act,
2 are repealed.

3 (b) CONFORMING AMENDMENTS.—Sections 17 and
4 18 of the Indian Employment, Training and Related Serv-
5 ices Act of 1992 (25 U.S.C. 3416, 3417) (as amended by
6 this Act) are redesignated as sections 15 and 16, respec-
7 tively.

8 **SEC. 17. EFFECT OF ACT.**

9 Nothing in this Act or any amendment made by this
10 Act—

11 (1) affects any plan approved under the Indian
12 Employment, Training and Related Services Act of
13 1992 (25 U.S.C. 3401 et seq.), as amended by sec-
14 tion 2 of this Act, before the date of enactment of
15 this Act;

16 (2) requires any Indian tribe or tribal organiza-
17 tion to resubmit a plan described in paragraph (1);
18 or

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

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