

**CHAPTER 36—INDIAN EMPLOYMENT,
TRAINING AND RELATED SERVICES**

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§ 3401. Statement of purpose

The purpose of this chapter is to facilitate the ability of Indian tribes and tribal organizations to integrate the employment, training and related services they provide from diverse Federal sources in order to improve the effectiveness of those services, reduce joblessness in Indian communities, and serve tribally determined goals consistent with the policy of self-determination, while reducing administrative, reporting, and accounting costs.

(Pub. L. 102-477, § 2, Oct. 23, 1992, 106 Stat. 2302; Pub. L. 115-93, § 3, Dec. 18, 2017, 131 Stat. 2026.)

AMENDMENTS

2017—Pub. L. 115-93 substituted “The purpose of this chapter is to facilitate the ability of Indian tribes and tribal organizations to” for “The purposes of this chapter are to demonstrate how Indian tribal governments can” and “, and serve tribally determined” for “and serve tribally-determined” and inserted “from diverse Federal sources” after “they provide” and “, while reducing administrative, reporting, and accounting costs” after “self-determination”.

SHORT TITLE OF 2017 AMENDMENT

Pub. L. 115-93, § 1, Dec. 18, 2017, 131 Stat. 2026, provided that: “This Act [amending this section and sections 3402 to 3407, 3409 to 3413, 3416, and 3417 of this title, repealing sections 3414 and 3415 of this title, and enacting and amending provisions set out as notes under this section] may be cited as the ‘Indian Employment, Training and Related Services Consolidation Act of 2017’.”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-568, title XI, § 1101, Dec. 27, 2000, 114 Stat. 2930, provided that: “This title [amending sections 3402, 3404, and 3406 to 3408 of this title and enacting provisions set out as notes under this section] may be cited as the ‘Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000’.”

SHORT TITLE

Pub. L. 102-477, § 1, Oct. 23, 1992, 106 Stat. 2302, as amended by Pub. L. 115-93, § 2(a), Dec. 18, 2017, 131 Stat. 2026, provided that: “This Act [enacting this chapter] may be cited as the ‘Indian Employment, Training and Related Services Act of 1992’.”

EFFECT OF PUB. L. 115-93

Pub. L. 115-93, § 17, Dec. 18, 2017, 131 Stat. 2037, provided that: “Nothing in this Act [see Short Title of 2017

Amendment note above] or any amendment made by this Act—

“(1) affects any plan approved under the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3401 et seq.) (as so redesignated) before the date of enactment of this Act [Dec. 18, 2017];

“(2) requires any Indian tribe or tribal organization to resubmit a plan described in paragraph (1); or

“(3) modifies the effective period of any plan described in paragraph (1).”

REFERENCES

Pub. L. 115-93, § 2(b), Dec. 18, 2017, 131 Stat. 2026, provided that: “Any reference in law to the ‘Indian Employment, Training and Related Services Demonstration Act of 1992’ shall be deemed to be a reference to the ‘Indian Employment, Training and Related Services Act of 1992’.”

CONGRESSIONAL FINDINGS AND PURPOSES

Pub. L. 106-568, title XI, § 1102, Dec. 27, 2000, 114 Stat. 2931, provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) [sic] Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training, and Related Services Demonstration Act of 1992 [now Indian Employment, Training, and Related Services Act of 1992] (25 U.S.C. 3401 et seq.) have—

“(A) improved the effectiveness of employment-related services provided by those tribes and organizations to their members;

“(B) enabled more Indian and Alaska Native people to prepare for and secure employment;

“(C) assisted in transitioning tribal members from welfare to work; and

“(D) otherwise demonstrated the value of integrating employment, training, education and related services. [sic]

“(E) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all Federal programs that emphasize the value of work may be included within a demonstration program of an Indian or Alaska Native organization; and

“(F) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of—

“(i) the Department of the Interior; or

“(ii) other Federal agencies that administer programs covered by the Indian Employment, Training, and Related Services Demonstration Act of 1992.

“(b) PURPOSES.—The purposes of this title [see Short Title of 2000 Amendment note above] are to demonstrate how Indian tribal governments can integrate the employment, training, and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-determination and self-governance.”

REPORT ON EXPANDING OPPORTUNITIES FOR PROGRAM INTEGRATION

Pub. L. 106-568, title XI, § 1104, Dec. 27, 2000, 114 Stat. 2932, provided that not later than 1 year after Dec. 27, 2000, the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under title XI of Pub. L. 106-568 (see Short Title of 2000 Amendment note above) would submit a report to Congress on the opportunities for expanding the integration of human resource development and economic development programs under such title, and the feasibility of establishing Joint Funding Agreements to au-

thorize tribes to access and coordinate funds and resources from various agencies for human resources development, physical infrastructure development, and economic development assistance.

§ 3402. Definitions

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

(1) Federal agency

The term “federal¹ agency” has the same meaning given the term “agency” in section 551(1) of title 5.

(2) Indian tribe

(A) In general

The terms “Indian tribe” and “tribe” have the meaning given the term “Indian tribe” in section 5304 of this title.

(B) Inclusion

The term “Indian tribe” includes tribal organizations (as defined in section 5304 of this title).

(3) Indian

The term “Indian” shall have the meaning given such term in section 5304(d) of this title.

(4) Program

The term “program” means a program described in section 3404(a) of this title.

(5) Secretary

Except where otherwise provided, the term “Secretary” means the Secretary of the Interior.

(Pub. L. 102-477, § 3, Oct. 23, 1992, 106 Stat. 2302; Pub. L. 106-568, title XI, § 1103(a), Dec. 27, 2000, 114 Stat. 2931; Pub. L. 115-93, § 4, Dec. 18, 2017, 131 Stat. 2026.)

AMENDMENTS

2017—Par. (2). Pub. L. 115-93, § 4(1), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “The terms ‘Indian tribe’ and ‘tribe’ shall have the meaning given the term ‘Indian tribe’ in section 5304(e) of this title.”

Pars. (4), (5). Pub. L. 115-93, § 4(2), (3), added par. (4) and redesignated former par. (4) as (5).

2000—Pub. L. 106-568 added par. (1) and redesignated former pars. (1) to (3) as (2) to (4), respectively.

§ 3403. Integration of services authorized

The Secretary shall, after approving a plan submitted by an Indian tribe in accordance with section 3407 of this title, authorize the Indian tribe to, in accordance with the plan—

(1) integrate the programs and Federal funds received by the Indian tribe in accordance with waiver authority granted under section 3406(d) of this title; and

(2) coordinate the employment, training, and related services provided with those funds in a consolidated and comprehensive tribal plan.

(Pub. L. 102-477, § 4, Oct. 23, 1992, 106 Stat. 2302; Pub. L. 115-93, § 5, Dec. 18, 2017, 131 Stat. 2027.)

AMENDMENTS

2017—Pub. L. 115-93 amended section generally. Prior to amendment, text read as follows: “The Secretary of

¹ So in original. Probably should be capitalized.

the Interior, in cooperation with the appropriate Secretary of Labor, Secretary of Health and Human Services, or Secretary of Education, shall, upon the receipt of a plan acceptable to the Secretary of the Interior submitted by an Indian tribal government, authorize the tribal government to coordinate, in accordance with such plan, its federally funded employment, training, and related services programs in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.”

§ 3404. Programs affected

(a) Programs affected

(1) In general

The programs that may be integrated pursuant to a plan approved under section 3407 of this title shall be only programs—

(A) implemented for the purpose of—

- (i) job training;
- (ii) welfare to work and tribal work experience;
- (iii) creating or enhancing employment opportunities;
- (iv) skill development;
- (v) assisting Indian youth and adults to succeed in the workforce;
- (vi) encouraging self-sufficiency;
- (vii) familiarizing individual participants with the world of work;
- (viii) facilitating the creation of job opportunities;
- (ix) economic development; or
- (x) any services related to the activities described in clauses (i) through (x); and

(B) under which an Indian tribe or members of an Indian tribe—

- (i) are eligible to receive funds—
 - (I) under a statutory or administrative formula making funds available to an Indian tribe; or
 - (II) based solely or in part on their status as Indians under Federal law; or
- (ii) have secured funds as a result of a noncompetitive process or a specific designation.

(2) Treatment of block grant funds

For purposes of this section, programs funded by block grant funds provided to an Indian tribe, regardless of whether the block grant is for the benefit of the Indian tribe because of the status of the Indian tribe or the status of the beneficiaries the grant serves, shall be eligible to be integrated into the plan.

(b) Program authorization

The Secretary shall, in cooperation with the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Transportation, and the Secretary of Veterans Affairs, after the Secretary approves a plan submitted by an Indian tribe or tribal organization under section 3407 of this title, authorize the Indian tribe or tribal organization, as applicable, to coordinate, in ac-