

then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BYRNE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 7, 2016, at 12:24 p.m.:

Appointments:
United States-China Economic Security
Review Commission
Virgin Islands of the United States Centennial Commission

With best wishes, I am

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES CON- SOLIDATION ACT OF 2016

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 329) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 329

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Employment, Training and Related Services Consolidation Act of 2016”.

SEC. 2. AMENDMENT OF SHORT TITLE.

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

“SEC. 1. SHORT TITLE.

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

(b) REFERENCES.—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’.

SEC. 3. STATEMENT OF PURPOSE.

Section 2 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3401), as amended by section 2 of this Act, is amended—

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

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

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

(4) by inserting “, while reducing administrative, reporting, and accounting costs” after “policy of self-determination”.

SEC. 4. DEFINITIONS.

Section 3 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3402), as amended by section 2 of this Act, is amended—

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

“(2) INDIAN TRIBE.—

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

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

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

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

SEC. 5. INTEGRATION OF SERVICES AUTHORIZED.

Section 4 of the Indian Employment, Training and Related Services Act of 1992 (25

U.S.C. 3403), as amended by section 2 of this Act, is amended to read as follows:

“SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

“The Secretary shall, after approving a plan submitted by an Indian tribe in accordance with section 8, 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 7(d); and

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

SEC. 6. PROGRAMS AFFECTED AND TRANSFER OF FUNDS.

Section 5 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3404), as amended by section 2 of this Act, is amended to read as follows:

“SEC. 5. PROGRAMS AFFECTED.

“(a) PROGRAMS AFFECTED.—

“(1) IN GENERAL.—The programs that may be integrated pursuant to a plan approved under section 8 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) due to their status as Indians under Federal law; or

“(ii) have secured funds as a result of a competitive process, 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 8, authorize the Indian tribe or tribal organization, as applicable, to coordinate, in accordance with the plan, federally funded employment, training, and related services programs and funding in a manner that integrates the programs and funding into a consolidated and comprehensive program.”.

SEC. 7. PLAN REQUIREMENTS.

Section 6 of the Indian Employment, Training and Related Services Act of 1992 (25

U.S.C. 3405), as amended by section 2 of this Act, is amended to read as follows:

“SEC. 6. PLAN REQUIREMENTS.

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

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

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

“(3) describe—

“(A) a comprehensive strategy identifying the full range of potential employment opportunities on and near the service area of the Indian tribe;

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

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

“(D) the results expected, including the expected number of program participants in unsubsidized employment during the second quarter after exit from the program, from the plan;

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

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

“(6) identify any statutory provisions, regulations, policies, or procedures that the Indian tribe believes need to be waived to implement the plan; and

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

SEC. 8. PLAN REVIEW; WAIVER AUTHORITY; AND DISPUTE RESOLUTION.

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

“SEC. 7. PLAN REVIEW.

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

“(1) the head of each Federal agency overseeing a program identified in the plan; and

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

“(b) IDENTIFICATION OF WAIVERS.—The parties identified in subsection (a) shall identify any waivers of applicable statutory, regulatory, or administrative requirements, or of Federal agency policies or procedures necessary to enable the Indian tribe to efficiently implement the plan.

“(c) TRIBAL WAIVER REQUEST.—In consultation with the Secretary, a participating Indian tribe may request that the head of each affected agency waive any statutory, regulatory, or administrative requirement, policy, or procedure identified subsection (b).

“(d) WAIVER AUTHORITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, the head of each affected Federal agency shall waive any applicable statutory, regulatory, or administrative requirement, regulation, policy, or procedure promulgated by the agency that has been identified by the parties under subparagraph (b).

“(2) EXCEPTION.—The head of an affected Federal agency shall not grant a waiver under paragraph (1) if the head of the affected agency determines that a waiver will be inconsistent with—

“(A) the purposes of this Act; or

“(B) the provision of law from which the program included in the plan derives its authority that is specifically applicable to Indians.

“(e) DECISION ON WAIVER REQUEST.—

“(1) IN GENERAL.—Not later than 90 days after the head of an affected agency receives

a waiver request, the head of the affected agency shall decide whether to grant or deny the request.

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

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

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

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

“(2) will prevent the affected agency from fulfilling the obligations of the affected agency under this Act.

“(g) INTERAGENCY DISPUTE RESOLUTION.—

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

“(A) the Secretary;

“(B) the participating Indian tribe; and

“(C) the head of the affected agency.

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

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

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

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

“(2) notice of the right to file an appeal in accordance with the applicable provisions described in section 8(d).”.

SEC. 9. PLAN APPROVAL; SECRETARIAL AUTHORITY; REVIEW OF DECISION.

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

“SEC. 8. PLAN APPROVAL; SECRETARIAL AUTHORITY; REVIEW OF DECISION.

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

“(b) APPROVAL PROCESS.—

“(1) IN GENERAL.—Not later than 90 days after the date on which the Secretary receives a plan, the Secretary shall, after coordinating with the Secretary of each Federal agency providing funds to be used to implement the plan, approve or deny the plan.

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

“(3) DENIAL.—If the Secretary denies the plan under paragraph (1), the Secretary shall provide to the Indian tribe a written noti-

cation of disapproval of the plan that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that the plan does not meet the requirements described in section 6.

“(4) PARTIAL APPROVAL.—

“(A) IN GENERAL.—If a plan is denied under paragraph (3) solely on the basis that a request for a waiver that is part of the plan has not been approved (or is subject to dispute resolution) under section 7, the Secretary shall, upon a request from the tribe, grant partial approval for those portions of the plan not affected by the request for a waiver.

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

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

“(c) EXTENSION OF TIME.—Notwithstanding any other provision of law, the Secretary may extend or otherwise alter the 90-day period identified in subsection (b)(1) for not more than 90 additional days, if, before the expiration of the period, the Secretary obtains the express written consent of the Indian tribe.

“(d) REVIEW OF DENIAL.—

“(1) PROCEDURE UPON REFUSAL TO APPROVE PLAN.—If the Secretary denies a plan under subsection (b)(3), the Secretary shall—

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

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

“(C) unless the Indian tribe brings a civil action under paragraph (2), provide the Indian tribe with a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter and the opportunity for appeal on the objections raised, under such rules and regulations as the Secretary may promulgate.

“(2) CIVIL ACTIONS.—

“(A) IN GENERAL.—The district courts of the United States shall have original jurisdiction of a civil action against the appropriate Secretary arising under this section.

“(B) ADMINISTRATIVE HEARING AND APPEAL NOT REQUIRED.—An Indian tribe may bring a civil action under this paragraph without regard to whether the Indian tribe had a hearing or filed an appeal under paragraph (1).

“(C) RELIEF.—In an action brought under this paragraph, the court may order appropriate relief (including injunctive relief to reverse a denial of a plan under this section or to compel an officer or employee of the United States, or any agency thereof, to perform a duty provided under this Act or regulations promulgated thereunder) against any action by an officer or employee of the United States or any agency thereof contrary to this Act or regulations promulgated thereunder.

“(3) FINAL AGENCY ACTION.—Notwithstanding any other provision of law, a decision by an official of the Department of the Interior or the Department of Health and Human Services, as appropriate (collectively referred to in this paragraph as the ‘Department’) that constitutes final agency action and that relates to an appeal within the Department that is conducted under paragraph (1)(C) shall be made—

“(A) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency (such as the Indian Health Service or the Bureau of Indian

Affairs) in which the decision that is the subject of the appeal was made; or

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

SEC. 10. EMPLOYER TRAINING PLACEMENTS.

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

“SEC. 10. EMPLOYER TRAINING PLACEMENTS.

“(a) IN GENERAL.—Subject to subsection (b), an Indian tribe that has in place an approved plan under this Act may use the funds made available for the plan under this Act—

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

“(2) to pay the participants a training allowance or wage for a training period of not more than 24 months, which may be non-consecutive.

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

“(1) to provide on-the-job training to the participants; and

“(2) on satisfactory completion of the training period described in subsection (a)(2), to prioritize the provision of permanent employment to the participants.”.

SEC. 11. FEDERAL RESPONSIBILITIES.

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

“SEC. 11. FEDERAL RESPONSIBILITIES.

“(a) LEAD AGENCY.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the lead agency responsible for implementation of this Act shall be the Bureau of Indian Affairs.

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

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

“(B) the provision, directly or through contract, of appropriate voluntary and technical assistance to participating Indian tribes;

“(C) the development and use of a single monitoring and oversight system for plans approved under this Act;

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

“(ii) the distribution of the funds to the respective Indian tribes by not later than 45 days after the date of receipt of the funds from the appropriate Federal department or agency; and

“(E)(i) the performance of activities described in section 7 relating to agency waivers; and

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

“(3) MEMORANDUM OF AGREEMENT.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Indian Employment, Training and Related Services Consolidation Act of 2016, the Secretary (acting through the Director of the Bureau of Indian Affairs), in conjunction with the Secretaries of Agriculture, Commerce, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Labor, Transportation, and Veterans Affairs and the Attorney General, shall enter into an interdepartmental memorandum of agreement providing for the implementation of this Act.

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

“(i) an annual meeting of participating Indian tribes and Federal departments and agencies, to be co-chaired by—

“(I) a representative of the President; and

“(II) a representative of the participating Indian tribes;

“(ii) an annual review of the achievements under this Act, including the number and percentage of program participants in unsubsidized employment during the second quarter after exit from the program, and any statutory, regulatory, administrative, or policy obstacles that prevent participating Indian tribes from fully and efficiently carrying out the purposes of this Act; and

“(iii) a forum comprised of participating Indian tribes and Federal departments and agencies to identify and resolve interagency conflicts and conflicts between the Federal Government and Indian tribes in the administration of this Act.

“(b) REPORT FORMAT.—

“(1) IN GENERAL.—The lead agency shall develop and distribute to Indian tribes that have in place an approved plan under this Act a single report format, in accordance with the requirements of this Act.

“(2) REQUIREMENTS.—The lead agency shall ensure that the report format developed under paragraph (1), together with records maintained by each participating Indian tribe, contains information sufficient—

“(A) to determine whether the Indian tribe has complied with the requirements of the approved plan of the Indian tribe;

“(B) to determine the number and percentage of program participants in unsubsidized employment during the second quarter after exit from the program; and

“(C) to provide assurances to the head of each applicable Federal department or agency that the Indian tribe has complied with all directly applicable statutory and regulatory requirements not waived under section 7.

“(3) LIMITATION.—The report format developed under paragraph (1) shall not require a participating Indian tribe to report on the expenditure of funds expressed by fund source or single agency code transferred to the Indian tribe under an approved plan under this Act but instead shall require the Indian tribe to submit a single report on the expenditure of consolidated funds under such plan.”.

SEC. 12. NO REDUCTION IN AMOUNTS.

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

“SEC. 12. NO REDUCTION IN AMOUNTS.

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

“(1) the enactment of this Act; or

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

“(b) INTERACTION WITH OTHER LAWS.—The inclusion of a program in a tribal plan under this Act shall not—

“(1) modify, limit, or otherwise affect the eligibility of the program for contracting under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); or

“(2) eliminate the applicability of any provision of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), as the provision relates to a specific program eligible for contracting under that Act.”.

SEC. 13. TRANSFER OF FUNDS.

Section 13 of the Indian Employment, Training and Related Services Act of 1992 (25

U.S.C. 3412), as amended by section 2 of this Act, is amended to read as follows:

“SEC. 13. TRANSFER OF FUNDS.

“(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 30 days after the date of apportionment to the applicable Federal department or agency, the head of a Federal agency overseeing a program identified in a plan approved under this Act shall transfer to the Director of the Bureau of Indian Affairs for distribution to an Indian tribe any funds identified in the approved plan of the Indian tribe.

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

SEC. 14. ADMINISTRATION OF FUNDS.

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

(1) by redesignating subsection (b) as subsection (d);

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

“SEC. 14. ADMINISTRATION OF FUNDS.

“(a) REQUIREMENTS.—

“(1) IN GENERAL.—

“(A) CONSOLIDATION AND REALLOCATION OF FUNDS.—Notwithstanding any other provision of law, all amounts transferred to a tribe pursuant to an approved plan may be consolidated, reallocated, and rebudgeted as specified in the approved plan to best meet the employment, training, and related needs of the local community served by the Indian tribe.

“(B) AUTHORIZED USE OF FUNDS.—The amounts used to carry out a plan approved under this Act shall be administered in such manner as the Secretary determines to be appropriate to ensure the amounts are spent on activities authorized under the approved plan.

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

“(2) SEPARATE RECORDS AND AUDITS NOT REQUIRED.—Notwithstanding any other provision of law (including regulations and circulars of any agency (including Office of Management and Budget Circular A-133)), an Indian tribe that has in place an approved plan under this Act shall not be required—

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

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

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

“(b) CARRYOVER.—

“(1) IN GENERAL.—Any funds transferred to an Indian tribe under this Act that are not obligated or expended prior to the beginning of the fiscal year after the fiscal year for which the funds were appropriated shall remain available for obligation or expenditure without fiscal year limitation, subject to the condition that the funds shall be obligated or

expended in accordance with the approved plan of the Indian tribe.

“(2) NO ADDITIONAL DOCUMENTATION.—The Indian tribe shall not be required to provide any additional justification or documentation of the purposes of the approved plan as a condition of receiving or expending the funds.

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

(3) in subsection (d) (as redesignated by paragraph (1))—

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

“(1) IN GENERAL.—All administrative”; and
(B) by striking “regulations”)” and all that follows through the end of the subsection and inserting the following: “regulations).

“(2) TREATMENT.—The amount equal to the difference between the amount of the commingled funds and the actual administrative cost of the programs, as described in paragraph (1), shall be considered to be properly spent for Federal audit purposes if the amount is used to achieve the purposes of this Act.

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

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

“(1) Section 314 of the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101-512; 104 Stat. 1959).

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

“(g) INTEREST OR OTHER INCOME.—

“(1) IN GENERAL.—An Indian tribe shall be entitled to retain interest earned on any funds transferred to the tribe under an approved plan and such interest shall not diminish the amount of funds the Indian tribe is authorized to receive under the plan in the year the interest is earned or in any subsequent fiscal year.

“(2) PRUDENT INVESTMENT.—Funds transferred under a plan shall be managed in accordance with the prudent investment standard.”.

SEC. 15. LABOR MARKET INFORMATION ON INDIAN WORK FORCE.

Section 17(a) of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3416(a)), as amended by section 2 of this Act, is amended in the first sentence—

(1) by striking “The Secretary” and all that follows through “manner,” and inserting “The Secretary of Labor, in consultation with the Secretary, Indian tribes, and the Director of the Bureau of the Census, shall”; and

(2) by striking “, by gender,”.

SEC. 16. REPEALS; CONFORMING AMENDMENTS.

(a) REPEALS.—Sections 15 and 16 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3414, 3415), as amended by section 2 of this Act, are repealed.

(b) CONFORMING AMENDMENTS.—Sections 17 and 18 of the Indian Employment, Training and Related Services Act of 1992 (25 U.S.C. 3416, 3417) (as amended by this Act) are redesignated as sections 15 and 16, respectively.

SEC. 17. EFFECT OF ACT.

Nothing in this Act 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;

(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).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my bill, the Indian Employment, Training and Related Services Consolidation Act, will empower tribes and tribal organizations to offer workforce development issues that uplift Native communities throughout the country. This bipartisan legislation will make the tribal 477 program permanent and make improvements to its administration.

The 477 program was established in 1992—by the way, I was the sponsor of that legislation at that time, also—as a demonstration program. It allows tribes to combine employment, child care, and job training funding from a variety of Federal sources to conduct consolidated, comprehensive reporting. This has enabled tribes to run innovative programs and saved both the tribes and the Federal Government money and resources.

I would suggest respectfully that this is a great piece of legislation. The 477 program embodies tribal self-determination by allowing tribes to provide opportunities tailored to the unique needs of their communities. Significant education and training needs exist in Indian country, and the 477 program has a proven track record of success. This is particularly true in Alaska, where the Cook Inlet Tribal Council has pioneered a smart model that provides holistic services, all under one roof, for individuals and families.

My bill improves accounting procedures and reporting mechanisms to uphold the original intent of the program, ensures that agencies treat tribes fairly, and sets a foundation for participants’ continued success.

I especially, at this time, would like to thank the members of the 477 tribal work group who, over the past 4 years, have been dedicated to developing and advancing this legislation. Without the

work group’s tireless advocacy, this bill would not have been possible.

I would also like to thank Chairman BISHOP and Ranking Member GRIJALVA and their staffs for their work on the bill and commitment to advancing it through the process. I would specifically like to recognize Ken Degenfelder on Chairman BISHOP’s staff and Alex Ortiz on my staff.

Finally, I would like to offer my thanks to Chairman BRADY, Chairman KLINE, and Chairman GOODLATTE and their staffs for working together on the committee on which I serve to improve this bill.

I would like to thank them for agreeing to help expedite consideration of this bill today, and I urge adoption of H.R. 329.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND THE
WORKFORCE,

Washington, DC, December 5, 2106.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write to confirm our mutual understanding with respect to H.R. 329, the Indian Employment, Training and Related Services Consolidation Act of 2015. Thank you for consulting with the Committee on Education and the Workforce with regard to H.R. 329 on those matters within my committee’s jurisdiction and making improvements to the legislation to address concerns.

In the interest of expediting the House’s consideration of H.R. 329, the Committee on Education and the Workforce will forgo further consideration of this bill. However, I do so only with the understanding this procedural route will not be construed to prejudice my committee’s jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Education and the Workforce should this bill or a similar bill be considered in a conference with the Senate. I also request you include our exchange of letters on this matter in the Committee Report on H.R. 329 and in the Congressional Record during consideration of this bill on the House Floor. Thank you for your attention to these matters.

Sincerely,

JOHN KLINE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, December 2, 2016.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR MR. CHAIRMAN: On November 16, 2016, the Committee on Natural Resources favorably reported as amended H.R. 329, the Indian Employment, Training and Related Services Consolidation Act of 2016. The bill was sequentially referred to the Committee on Education and the Workforce until December 8, 2016.

I understand our staffs have been able to negotiate out text that is agreeable to you. Therefore, I ask that you allow the Committee on Ways and Means to be discharged

from further consideration of the bill before December 8, 2016, so that this revised text for H.R. 329 may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Ways and Means represented on the conference committee. Finally, I would be pleased to submit this letter and any response to the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you next Congress.

Sincerely,

ROB BISHOP,
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, December 2, 2016.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
Washington, DC.*

DEAR CHAIRMAN BISHOP: I write with respect to H.R. 329, the "Indian Employment, Training and Related Services Consolidation Act of 2015," on which the Committee on Ways and Means received a sequential referral.

I appreciate your willingness to work with my Committee on this legislation. In order to allow H.R. 329 to move expeditiously to the House floor, I agree to forgo a markup of this bill. The Committee on Ways and Means takes this action with our mutual understanding that by forgoing consideration of H.R. 329 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this bill or similar legislation moves forward. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

KEVIN BRADY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, December 2, 2016.

Hon. KEVIN BRADY,
*Chairman, Committee on Ways and Means,
Washington, DC.*

DEAR MR. CHAIRMAN: On November 16, 2016, the Committee on Natural Resources favorably reported as amended H.R. 329, the Indian Employment, Training and Related Services Consolidation Act of 2016. The bill was sequentially referred to the Committee on Ways and Means and the Committee on Education and the Workforce until December 8, 2016.

I understand our staffs have been able to negotiate out text that is agreeable to you. Therefore, I ask that you allow the Committee on Ways and Means to be discharged from further consideration of the bill before December 8, 2016, so that this revised text for H.R. 329 may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of

the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Ways and Means represented on the conference committee. Finally, I would be pleased to submit this letter and any response to the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you next Congress.

Sincerely,

ROB BISHOP,
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, September 12, 2016.

Hon. BOB GOODLATTE,
*Chairman, Committee on the Judiciary,
Washington, DC.*

DEAR MR. CHAIRMAN: On March 16, 2016, the Committee on Natural Resources favorably reported as amended H.R. 329, the Indian Employment, Training and Related Services Consolidation Act of 2016, by unanimous consent. My staff has shared the reported text of the bill with your staff.

The reported bill contains provisions regarding judicial review, a matter within the jurisdiction of the Committee on the Judiciary. Specifically, section 9 of the bill amends section 8(d) of the Indian Employment, Training and Related Services Act of 1992 to provide for judicial review of the Secretary of the Interior's denial of a plan. I understand that you have concerns regarding this provision. Based on my agreement to drop this text from the bill when it is considered by the House of Representatives, I ask that the Committee on the Judiciary not seek a sequential referral of the bill so that it may be scheduled by the Majority Leader before the House adjourns for the election. This concession in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary and the issues raised by the omitted text are within the scope of the conference, I would support your request to have the Committee on the Judiciary represented on the conference committee. Finally, I would be pleased to include this letter and any response in the Congressional Record to document this agreement.

Thank you for your consideration of my request, and I look forward to further opportunities to work with you this Congress.

Sincerely,

ROB BISHOP,
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 22, 2016.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
Washington, DC.*

DEAR CHAIRMAN BISHOP: Thank you for your letter regarding H.R. 329, the "Indian Employment, Training and Related Services Consolidation Act." I appreciate your willingness to work with me on this issue.

As you note in your letter, the reported bill contains provisions regarding judicial review that fall within the Rule X jurisdiction of the Committee on the Judiciary. Specifically, section 9 of the bill amends section 8(d) of the Indian Employment, Training and Related Services Act of 1992 to provide for judicial review of the Secretary of the Interior's denial of a plan. The Judiciary Committee has concerns with this provision. However, based on your agreement to drop

this text from the bill or similar legislation when it is considered by the House, the Judiciary Committee will not seek a sequential referral of the bill. The Committee takes this action with our mutual understanding that by forgoing a sequential referral of H.R. 329 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation and asks that you support any such request.

I would ask that a copy of our exchange of letters on this matter be included in your committee report and in the Congressional Record during floor consideration of H.R. 329.

Sincerely,

BOB GOODLATTE,
Chairman.

Mr. SABLON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Public Law 102-477 established what is commonly known as the 477 program to foster employment and economic development in Indian country. This highly successful program authorizes tribal governments to consolidate up to 13 different Federal grant programs into a single plan with a single budget and a single reporting system.

Current participants in the program have significantly improved effectiveness of the delivery of services included in the 477 plan, while lowering administrative costs. These cost savings have been translated into more and better direct services for their communities.

H.R. 329 will build on this success by permanently authorizing the program, by increasing the scope and availability of participating Federal grant programs, and by setting a streamlined process for tribes to follow.

I want to congratulate Chairman YOUNG for his tireless work on this legislation and for putting together a piece of legislation that we should always consider and for bringing together all of the stakeholders to address the concerns and find a workable solution.

I ask my colleagues to join me in supporting this legislation.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further speakers, and I urge passage of the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I rise to express my concerns with H.R. 329. While the legislation seeks to provide additional flexibility and support to Indian tribes—a worthy goal—I remain concerned that it could have the effect of weakening the services provided to families and children in Indian tribes.

Currently, Indian tribes have the option to consolidate certain federal funding streams related to work and job training into one grant. H.R. 329 includes a number of changes to this consolidation option and expands the number of programs that can be consolidated.

The legislation could be interpreted in an overly broad fashion resulting in the inclusion of programs that may not be appropriate to include—programs or services only “relating to” job training, skill development, and economic development, or other related goals.

The Education and the Workforce Committee, on which I serve as Ranking Member, was given a sequential jurisdictional referral on this legislation, but has not considered the legislation nor considered its impact on education and training programs within our jurisdiction.

Specifically, our Committee has an interest in ensuring that program funds are used for their intended purpose. Whether the TANF program or Head Start, adequate reporting and oversight protect beneficiaries and ensure the quality of services. For example, Head Start performance standards are vital to the success of the program.

While I do not intend to oppose the legislation, I encourage continued robust oversight of the programs impacted by this bill to ensure that quality and effective education and job training programs remain available to our nation’s tribes.

Mr. BRADY of Texas. Mr. Speaker, I rise in support of H.R. 329, the Indian Employment, Training, and Related Services Consolidation Act of 2015.

In particular, I’m grateful for the opportunity I had to work with Representative YOUNG and the Natural Resources Committee to address some concerns I had with a previous version of the bill, and I’m grateful for the collaborative effort between our two committees so this bill can move forward today.

Under current law, Indian tribes can combine funding for employment, training, and related services to streamline their administration of social service programs—often referred to as “section 477 demonstration projects.” Many times the dollar amounts received from the individual programs are rather small, so being able to combine funds with similar purposes allows tribes to achieve more effective economies of scale. However, in recent years these tribes have run into challenges as they have sought to operate these demonstration projects to best serve their members. The goal of H.R. 329 is to clarify confusion related to these demonstration projects, increase the flexibility Indian tribes have in consolidating these programs, and ensure accountability of taxpayer dollars.

While I agreed with the general intent of the prior version of this bill, I was concerned that it may have unintentionally undermined important requirements in current law for programs under Ways and Means jurisdiction, such as TANF and child care. To balance the goal of increased flexibility for tribes with appropriate oversight and accountability, I asked Representative YOUNG to amend the text to ensure the bill would not:

Undermine important rules regarding how funds appropriated for specific purposes can be used;

Eliminate requirements specifying how the spending of consolidated funds must be accounted for; and

Change how funds authorized by the Ways and Means Committee are treated for matching purposes.

First, I’m glad this bill now reiterates that agencies providing funding to tribes have the authority to approve or deny waivers of key

program provisions. For example, this would mean the Department of Health and Human Services (HHS) could deny an Indian tribe’s request to use federal child care funds for the purchase or improvement of land, as such use of child care funds is not permitted under current law. HHS could also forbid a tribe from using federal TANF funds to pay for medical services, something states and tribes are not permitted to do under current law. At the same time, agencies and departments, like HHS, are encouraged to waive program requirements when they will assist the tribe in streamlining the administration of their social service programs to better serve their members, as long as they don’t undermine the central purposes for which the money was originally appropriated.

Second, there was some concern that the bill would eliminate requirements that tribes report how they spend funds consolidated in section 477 projects. Mr. YOUNG has modified the bill to reiterate that tribes must report how funds are spent, but that they will not be required to report spending by specific program. Since 2011, a tribal working group has worked diligently to simplify tribal financial reporting, and the group has recently agreed upon a unified financial report that allows tribes to report by category, instead of by program. This form allows taxpayers to understand broadly how dollars are spent, without requiring tribes to maintain complex accounting systems necessary to report on spending per the rules for each separate program. This form is now in use, and I hope this working group, or future iterations of it, will continue to engage, as needed, to ensure this form adequately serves all stakeholders in the same manner.

Third, the earlier version of this bill allowed tribes operating section 477 projects to count federal funding received through HHS and the Department of Labor (DOL) to count as tribal spending for matching purposes. Because this would have allowed tribes to use federal funds as match to draw down additional federal dollars—and because it would have advantaged tribes operating these demonstrations compared to those not operating these demos—I asked that this language not apply to funding administered by HHS and DOL. Mr. YOUNG agreed to incorporate this change, and I’m grateful for his willingness to do so.

Finally, I’m glad we could work together to restore language in the bill regarding coordination between the Department of the Interior and other departments as these projects are approved. It is important that agencies work together to ensure tribes have the flexibility they need to streamline their services, while maintaining a balance between flexibility and accountability.

Together, these changes will support tribes as they seek to better serve their members, while maintaining appropriate accountability of taxpayer dollars and ensuring funds are used to meet the goals for which they were appropriated.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 329, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM BOUNDARIES REVISION

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6400) to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units in New Jersey.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6400

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

SECTION 1. REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—The map subtitled “Seidler Beach Unit NJ-02, Cliffwood Beach Unit NJ-03P, Conaskonk Point Unit NJ-04”, dated August 1, 2014, that is included in the set of maps entitled “Coastal Barrier Resources System” referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) and relating to certain John H. Chafee Coastal Barrier Resources System units in New Jersey, is hereby replaced by another map subtitled “Seidler Beach Unit NJ-02/NJ-02P, Cliffwood Beach Unit NJ-03P, Conaskonk Point Unit NJ-04, Sayreville Unit NJ-15P, Matawan Point Unit NJ-16P” and dated October 7, 2016.

(b) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map referred to in subsection (a) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from the Northern Mariana Islands (Mr. SABLÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6400, introduced by my colleague, Mr. PALLONE, makes boundary adjustments to multiple units of the Coastal Barrier Resources System along the coast of his New Jersey congressional district. I have no objection to this bill and compliment the gentleman for introducing the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SABLÁN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, under the Coastal Barrier Resources Act—or CoBRA—the U.S. Fish and Wildlife Service identifies hazardous areas on