

government believes need to be waived in order to implement its plan; and

(8) be approved by the governing body of the affected tribe.

(Pub. L. 102-477, § 6, Oct. 23, 1992, 106 Stat. 2303.)

§ 3406. Plan review

Upon receipt of the plan from a tribal government, the Secretary of the Interior shall consult with the Secretary of each Federal agency providing funds to be used to implement the plan, and with the tribal government submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal agency regulations, policies, or procedures necessary to enable the tribal government to implement its plan. Notwithstanding any other provision of law, the Secretary of the affected agency shall have the authority to waive any statutory requirement, regulation, policy, or procedure promulgated by that agency that has been so identified by such tribal government or agency, unless the Secretary of the affected agency determines that such a waiver is inconsistent with the purposes of this chapter or those provisions of the statute from which the program involved derives its authority which are specifically applicable to Indian programs.

(Pub. L. 102-477, § 7, Oct. 23, 1992, 106 Stat. 2303; Pub. L. 106-568, title XI, § 1103(c), Dec. 27, 2000, 114 Stat. 2932.)

AMENDMENTS

2000—Pub. L. 106-568 substituted “Federal agency” for “Federal department” and “Federal agency regulations” for “Federal departmental regulations”, substituted “agency” for “department” wherever appearing, and inserted “statutory requirement,” after “to waive any”.

§ 3407. Plan approval

Within 90 days after the receipt of a tribal government’s plan by the Secretary, the Secretary shall inform the tribal government, in writing, of the Secretary’s approval or disapproval of the plan, including any request for a waiver that is made as part of the plan submitted by the tribal government. If the plan is disapproved, the tribal government shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval, including reconsidering the disapproval of any waiver requested by the Indian tribe.

(Pub. L. 102-477, § 8, Oct. 23, 1992, 106 Stat. 2303; Pub. L. 106-568, title XI, § 1103(d), Dec. 27, 2000, 114 Stat. 2932.)

AMENDMENTS

2000—Pub. L. 106-568 inserted “, including any request for a waiver that is made as part of the plan submitted by the tribal government” after “disapproval of the plan” and “, including reconsidering the disapproval of any waiver requested by the Indian tribe” after “reconsider such disapproval”.

§ 3408. Job creation activities authorized

(a) In general

The plan submitted by a tribal government may involve the expenditure of funds for the

creation of employment opportunities and for the development of the economic resources of the tribal government or of individual Indian people if such expenditures are consistent with an overall regional economic activity which has a reasonable likelihood of success and consistent with the purposes specifically applicable to Indian programs in the statute under which the funds are authorized.

(b) Job creation opportunities

(1) In general

Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this chapter, a tribal government may use a percentage of the funds made available under this chapter (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 3409 of this title.

(2) Determination of percentage

The percentage of funds that a tribal government may use under this subsection is the greater of—

(A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or

(B) 10 percent.

(c) Limitation

The funds used for an expenditure described in subsection (a) of this section may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula.

(Pub. L. 102-477, § 9, Oct. 23, 1992, 106 Stat. 2303; Pub. L. 106-568, title XI, § 1103(e), Dec. 27, 2000, 114 Stat. 2932.)

AMENDMENTS

2000—Pub. L. 106-568 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) and (c).

§ 3409. Private sector training placements

A tribal government participating in a demonstration program under this chapter is authorized to utilize funds available under such plan to place participants in training positions with private employers and pay such participants a training allowance or wage for a period not to exceed 12 months, if the tribal government obtains a written agreement from the private employer to provide on-the-job training to such participants and, upon satisfactory completion of the training period, to guarantee permanent employment to such participants for a minimum of 12 months.

(Pub. L. 102-477, § 10, Oct. 23, 1992, 106 Stat. 2304.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3408 of this title.

§ 3410. Federal responsibilities

(a) Responsibilities of Department of the Interior

Within 180 days following October 23, 1992, the Secretary of the Interior, the Secretary of Labor, the Secretary of Health and Human Serv-