

P.L. 102-477

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Tribally Driven Initiative

- Known as 477, P.L. 102-477 is a Tribally driven initiative with a growing number of Tribal participants.
- Currently there are 64 Tribal entities operating under approved 477 plans, 33 under Tribal Self-Governance and 31 under 638 Contracting.
- 477 allows both Tribes and Federal agencies to explore more Tribally-centered and effective approaches to address the severe problem of unemployment in Tribal communities.

Tribally Driven Initiative

- The initiative receives direction from the active involvement of Tribes/Consortia participating in a 477 Tribal Work Group which meets three to four times a year.
- The Tribal Work Group has been instrumental in shaping the 477 initiative and moving it forward.
- It demonstrates a unique and effective Tribal/Federal partnership.

Tribally Driven Initiative

- Federal partners report their activities, share information, and hold discussions with the Tribal Work Group to resolve policy issues.
- Input from the Tribal Work Group is received before Federal 477 decisions are made.
- Future activities are planned and guided by the Tribal Work Group.
- Tribal Work Group Members provide most of the technical assistance to other Tribes/Consortia interested in the 477 initiative.

Entities Eligible to Participate

- Entities eligible to participate in the 477 initiative include individual Tribes, Intertribal consortia, Tribes or Consortia participating in Tribal Self-Governance, and Alaska Native organizations included in any of the above categories.
- To participate in 477, an entity must receive funds from two or more different formula funded programs related to employment and training.

Review/Approval of 477 Plans

- A Tribe wishing to begin participating in 477 must develop a plan designed around its own goals, needs, and circumstances.
- The plan is submitted to the Division of Workforce Development within the Bureau of Indian Affairs (BIA) Office of Indian Services.
- The BIA Office of Indian Services, Division of Workforce Development serves as the lead Federal agency and coordinator for the 477 demonstration project.

Review/Approval of 477 Plans

- All of the Federal agencies whose programs are included in the Tribe's 477 plan review the plan.
- Each Federal agency submits a letter to the Division of Workforce Development stating that the proposed plan is consistent with the intent of its legislation.
- The plan is then approved by DOI under the authority of the BIA Office of Indian Services Division of Workforce Development.



Implementation of 477 Plans

- After the Tribe's plan is approved, the various Federal agencies transfer the Tribe's program funds to the Division of Workforce Development.
- Each 477 Tribe is guaranteed to receive the same amount of money for each program that it would receive if it operated each of the programs separately, including indirect and direct contract support funds.
- A Tribe is not authorized to access funding for which it is not eligible and no additional funds are received for participating in 477.

Implementation of 477 Plans

- The Division of Workforce Development distributes 100% of the funds made available to the Tribe using a P.L. 93-638 Agreement or to the Office of Self-Governance (OSG) for distribution under a Self-Governance Funding Agreement.
- The Tribe then carries out its 477 plan and, with minor exceptions, deals with just one Federal entity, the Division of Workforce Development.

Implementation of 477 Plans

- Each Tribe provides all of its 477 services under a single plan.
- The Secretaries of Interior, Labor, Education, and Health and Human Services are authorized to allow a Tribe to consolidate Federally funded employment, training and related services into a single, fully integrated program.
- Integration provides greater Tribal flexibility in the delivery of 477 services.

Implementation of 477 Plans

- The Tribe is authorized to commingle all of the program funds under a single budget.
- All 477 expenditures are charged against this single budget.
- Expenditures are no longer allocated to the individual programs.
- The Tribe no longer has to keep separate records for each program, simplifying the administration of all the funds involved.

Implementation of 477 Plans

- Tribes participating in 477 are authorized to devote a percentage of the funds made available under the Act, depending on the rate of unemployment in the service area of the Tribe up to a maximum of 25 percent, or 10 percent, whichever is greater, for the creation of employment opportunities, including providing private sector training and placement.
- This can be done regardless of other statutory or regulatory prohibitions contained in individual programs.



Implementation of 477 Plans

- The Division of Workforce Development conducts annual reviews of Tribal implementation of their 477 plans.
- Other Federal partners may participate in the reviews at their discretion.
- A participating Tribe is required to submit a single report of activities undertaken under its approved 477 plan.
- The current single reporting system includes an annual narrative, statistical, and financial report.



BIA Eligible Programs

- BIA eligible programs include the following programs:
 - 1) Job Placement and Training;
 - 2) Adult Education;
 - 3) Adult Vocational Training;
 - 4) Higher Education (Scholarships);
 - 5) Johnson O'Malley;
 - 6) General Assistance; and
 - 7) Tribally designed programs under P.L. 93-638, as amended, which relate to employment training or related services.



HHS Eligible Programs

- Administered by the Administration for Children and Families:
 - 1) Native Employment Works (NEW);
 - 2) Temporary Assistance to Needy Families (TANF); and
 - 3) Child Care Development Fund Program (CCDF) [both Tribal “discretionary” funds and “mandatory” funds].



DOL Eligible Programs

- Administered by the Employment and Training Administration:
 - FY 2014 Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-28, enacted July 22, 2014) [Comprehensive Services (CS) and Supplemental Youth Services Program (SYS) for Native Americans authorized under WIOA.]



DOE Eligible Program

- There is only one program from the United States Department of Education (DOE) that is eligible to be included:
 - Perkins Act Discretionary Grants. This has not been implemented.

Waivers



- Under 477, Tribes can seek waivers from program regulations.
- 477 Tribes can also request statutory waivers of provisions which inhibit the successful implementation of their approved 477 plan.
- Federal agencies are authorized to approve such waiver requests.
- This waiver authority provides much of the flexibility inherent in the 477 demonstration.

Advantages of Participation

- Advantages vary by Tribe and include:
- Improved client services;
- Better utilization of program staff;
- Use of a single intake system with resulting cost savings;
- More uniform treatment of clients;
- Significant reduction in Federal paperwork;
- Regulatory and statutory waivers;
- A single budget is used; and
- Improved cash flow.



Challenges of Participation

- Challenges of participation include
- Deciding what PSFAs to include in the 477 plan;
- Determining how much flexibility exists in 477;
- Providing services in remote areas;
- Insufficient contract support funding,
- Delivering high cost services; and
- Funding delays.



Where to Get More Information

P.L. 102-477 Tribal Work Group
Tribal Co-Chairperson

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JUST A THOUGHT

“In theory there is no difference between theory and practice. In practice there is.”

Yogi Berra

