**Indian Employment, Training and Related Services Consolidation Act of 2017**

**INTERAGENCY MEMORANDUM OF AGREEMENT**

**BETWEEN THE PARTIES**

1. Department of Agriculture
2. Department of Commerce
3. Department of Education
4. Department of Energy
5. Department of Health and Human Services
6. Department of Homeland Security
7. Department of Housing and Urban Development
8. Department of the Interior
9. Department of Justice
10. Department of Labor
11. Department of Transportation
12. Department of Veterans Affairs

**Whereas**, pursuant to the Indian Employment, Training, and Related Services Demonstration Act of 1992, Pub. L. No. 102-477 (October 23, 1992) (“the 1992 Act”), Congress authorized a temporary demonstration project (477 Initiative) that allowed Federally recognized Indian tribes to integrate employment and training-related, formula-funded Federal grants into a single plan (477 plan) with a single budget and a single reporting system 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.

**Whereas**, pursuant to the Indian Employment, Training, and Related Services Consolidation Act of 2017, Pub. L. No. 115-93 (December 18, 2017), Congress amended the 1992 Act to make the demonstration project permanent, to reduce administrative, reporting, and accounting costs in the 477 Initiative, and to otherwise expand and improve the Pub. L. 102-477 Program.

**Whereas**, pursuant to Section 11 of Pub. L. No. 115-93, Congress directed the above named agencies to negotiate and execute a memorandum of agreement (MOA) to implement Pub. L. No. 115-93. The purpose of this MOA is to set forth the basic functions and relationships of the Parties as authorized under Pub. L. No. 115-93.

**Whereas,** this MOA is intended to facilitate coordination and collaboration of the Parties in implementing the Act. The Department of the Interior is the lead agency under the Act and has authority to approve or disapprove a plan which the Secretary is authorized to exercise to ensure compliance with the Act. This MOA is not intended to confer any right upon any Indian tribe, private person, or organization.

**Now, therefore,** the Parties agree as follows:

1. Definitions
   1. “The Act” refers to the Indian Employment, Training, and Related Services Demonstration Act of 1992, Pub. L. No. 102-477 (October 23, 1992), as amended.
   2. “The Secretary” refers to the Secretary of the Department of the Interior. Certain actions identified in the Act and throughout this agreement lie with the authority of the Secretary but may be carried out in practice by the Assistant Secretary - Indian Affairs through offices, including the Bureau of Indian Affairs (BIA) within the Department of the Interior (“Interior”).
   3. “Parties” refers to all agencies named by Congress to negotiate and execute an MOA.
   4. “Affected agency” is an agency that has a program that has been identified by an Indian tribe to be considered in its 477 plan.
   5. “Indian tribe” refers to the term as defined in 25 U.S.C. § 3402(2) of the Act, which includes tribal organizations.
2. Effect of MOA on Authorities of Parties
   1. Nothing in this MOA alters the statutory authorities or any other authorities of the Parties. This MOA is intended to facilitate coordination and collaboration of the Parties in implementing the Act.
3. Policy

The Act authorizes an Indian tribe to integrate in a 477 plan existing funds that a tribe would otherwise receive under the authority of an individual program. The statutory purpose and authority of the underlying programs being consolidated in an Indian tribe’s 477 plan must align with the criteria set forth in 25 U.S.C. § 3404.

* 1. Programs Affected
     1. 25 U.S.C § 3404(a) provides that only programs for which implementing one or more of the following purposes is an authorized use of Federal funding support provided under that program may be integrated into an Indian tribe’s 477 plan:
        1. job training;
        2. welfare to work and tribal work experience;
        3. creating or enhancing employment opportunities;
        4. skill development
        5. assisting Indian youth and adults to succeed in the workforce;
        6. encouraging self-sufficiency;
        7. familiarizing individual participants with the world of work;
        8. facilitating the creation of job opportunities;
        9. economic development; or
        10. any services related to the activities described above.
     2. A list of programs historically considered for 477 plan inclusion prior to the passage of Pub. L. No. 115-93 is included as an appendix to this MOA. This list, which is from the Federal agencies participating in the 477 demonstration initiative, is provided for information and is not all-inclusive. Indian tribes can propose to include Federal programs not listed in the appendix. At the time of the signing of this MOA, not all Parties have identified programs that meet the eligibility requirements of 25 U.S.C. § 3404.
     3. As required by 25 U.S.C. § 3407, the BIA has exclusive authority to approve or disapprove a plan submitted by an Indian tribe, including making any decisions that would necessarily lead to the full or partial disapproval of a plan. Such decisions include, but are not limited to, decisions relating to whether an organization is an Indian tribe as defined by 25 U.S.C. § 3402, or whether a program is eligible for inclusion in a 477 plan. However, under 25 U.S.C. § 3406(h) the head of the affected agency has final authority to resolve disputes related to waiver requests.
     4. BIA and the affected agencies further understand that under 25 U.S.C. § 3404(a)(1)(B), and (a)(2), 477 plans may include only those programs in which an Indian tribe or members of an Indian tribe are eligible to receive funds:
        1. under a statutory or administrative formula making funds available to an Indian tribe;
        2. based solely or in part on their status as Indians under Federal law;
        3. as a result of a noncompetitive process or a specific designation; or
        4. 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 services.
     5. Competitive grant programs do not base eligibility on a statutory or administrative formula and do not award funds as a result of a noncompetitive process or designation. Thus, in accordance with 25 U.S.C. § 3404(a)(1)(B)(i)(II), unless provided as part of block grant funding, a competitive grant program may be integrated in a 477 plan only when eligibility for the funding under that grant program is based solely or in part on status as an Indian tribe or Indian as defined at 25 U.S.C. § 3402.
     6. Competitive grants may also be included after an award is made by the affected agency pursuant to its competitive process if there is a specific 477 designation in the grant program’s authorizing legislation that the program is eligible for consolidation under the Act.
  2. Indian Self-Determination and Education Assistance Act (ISDEAA) (25 U.S.C. § 5301 *et seq*.)
     1. Neither P.L. 102-477 nor P.L. 115-93 affect the applicability of ISDEAA to program funds approved to be included in a 477 plan. As has been the practice, and as is authorized by 25 U.S.C. § 3412(b), BIA shall permit Federal funds that the relevant agency has transferred to BIA to be transferred to eligible Indian tribes pursuant to existing contracts, compacts, or funding agreements awarded pursuant to ISDEAA. However, including a program not otherwise eligible for ISDEAA in a 477 plan, and transferring funds pursuant to an existing contract, compact, or funding agreement, does not make the program eligible for contracting under ISDEAA and does not make the provisions of P.L. 93-638 applicable. Conversely, if an underlying program is eligible for ISDEAA, including the program in a 477 plan does not eliminate the applicability of any provision of ISDEAA.
  3. Requirements for Incorporating Programs into a 477 Plan
     1. Each affected agency must take into account its individual statutes, regulations, and policies when consulting with the BIA regarding an Indian tribe’s proposed plan.
     2. Consolidation of programs approved by affected agencies for inclusion in a 477 plan will take effect upon approval of the plan.

1. Roles and Responsibilities of Parties
   1. Federal Points of Contact
      1. The Secretary of the Interior, the Attorney General, and the Secretaries of the other affected agencies shall each appoint a liaison to be the point of contact to address any concerns related to implementation of the Act and to attend meetings of the Parties. BIA shall circulate the contact list to the Parties and provide updates as necessary.
   2. Plan Review
      1. Generally, 90 days after receipt of a plan, the Secretary will approve or deny the plan. If a plan includes a waiver request, the Department of the Interior and the affected agencies will follow the process for review described in Section V.
      2. Upon receipt of an Indian tribe’s 477 proposed plan, BIA’s Division of Workforce Development (DWD) will transmit to the Indian tribe a formal acknowledgement of receipt of the proposal. The 90-day statutory timeframe for approving or denying the plan begins on the date of the Secretary’s receipt.
      3. Within 2 days of receipt of a tribe’s 477 proposed plan DWD will conduct an initial review to determine if the plan appears to be complete, ensuring inclusion of the minimum required documents (e.g., tribal resolution, budget, and narrative scope of work, waiver requests). If the plan appears to be complete, DWD will forward it to the affected agencies within 2 days of receipt of the plan.
      4. If a plan is determined to be incomplete, DWD will work with the tribe for up to 15 days in order for the tribe to submit the necessary additional documents to make the plan complete. Once the proposed plan is complete, DWD will forward it to the affected agencies.
      5. For the first year of implementation, BIA shall forward what appears to be a complete plan to all Parties, and after the first year to just the affected agencies.
         1. Interior and affected agencies shall develop a suggested template for Indian tribes to use in submitting and specifying, as an addendum to their proposed 477 plans, any specific waivers the Indian tribe believes are necessary to implement the proposed 477 plan including a citation or specific reference to the particular statute, regulation, provision, administrative requirement, or policy or procedures to be waived.
      6. If after the affected agencies conduct their initial review, the plan still does not include the required documents, the affected agency shall inform DWD, and DWD will coordinate with the Indian tribe to ensure the needed document(s) are submitted in a timely manner. Once all required documents are submitted, the plan is complete.
      7. Within 30 days of receipt of the complete plan from DWD, DWD shall schedule a call with the affected agencies to discuss the status of the plan review and identify any issues that need to be resolved.
      8. The affected agencies shall have 60 days (from the time the affected agencies received transmittal of the complete plan) to review and provide comments back to DWD on the Indian tribe’s complete plan and on whether the affected agency requires any additional information. Should DWD not receive feedback from an affected agency within the 60-day time frame, DWD staff will contact the affected agency and request a status update on the plan review. If additional information is required, DWD will facilitate communication between the affected agency and the Indian tribe to resolve the issue(s).
      9. At any time after receiving an Indian tribe’s plan from DWD, but not beyond the 90- day time frame for the Secretary’s approval or denial of the plan, unless the Secretary has received the express written consent of the Indian tribe for an extension, the affected agency may provide comments to DWD and/or the Indian tribe concerning programs it operates that are proposed to be included in the Indian tribe’s plan.
      10. If an affected agency is of the opinion that the Secretary may not approve inclusion of a program in an Indian tribe’s plan because inclusion would not meet the requirements described in 25 U.S.C. § 3405 during or at the conclusion of the 60-day review period, the affected agency shall communicate to DWD its reason(s) for that opinion. At this point, DWD will facilitate communication between the affected agency and the Indian tribe in an attempt to resolve the reason(s) for the affected agency’s opinion prior to the expiration of the 90-day time frame.
      11. If the affected agency and Indian tribe are unable to resolve the issue(s), the affected agency must transmit to DWD a written opinion supporting its position that inclusion of the program would not meet the requirements described in 25 U.S.C. § 3405. Once DWD receives the affected agency’s written opinion, it will review the opinion to determine whether inclusion of the program would not meet the requirements described in 25 U.S.C. § 3405. DWD will then communicate its determination in a written memorandum to the affected agency. For the first year, Interior shall disseminate the memorandum to all Parties for informational purposes and to ensure consistency throughout the government.
      12. If the Secretary agrees with an affected agency that a plan or portion of a plan is not approvable because it does not meet the requirements described in 25 U.S.C. § 3405, or if it otherwise finds that a plan or portion of a plan is not approvable because it does not meet the requirements described in 25 U.S.C. § 3405, the Secretary shall transmit to the Indian tribe a denial letter containing 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 25 U.S.C. § 3405.
          1. When the Secretary denies a plan or denies inclusion of a program or programs in a plan, the denial letter shall notify the tribe that (1) it can have a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter before the affected agency’s appropriate administrative appeals body in accordance with 25 U.S.C. § 3407(d)(1)(C); or (2) it can bring a civil action in Federal court in accordance with 25 U.S.C. § 3407(d)(2). If a tribe chooses a hearing before the Department of the Interior’s administrative appeals body, and the appeals body finds that the tribe’s plan does not meet the requirements described in 25 U.S.C. § 3405, the tribe can appeal to Federal district court on the objections raised in accordance with 25 U.S.C. § 3407(d)(1)(C).
      13. Pursuant to 25 U.S.C. § 3407(b)(4), if a plan is denied 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 25 U.S.C. § 3406, the Secretary shall, upon a request from a tribe, grant partial approval for those portions of the plan not affected by the request for a waiver.
      14. An Indian tribe must receive approval or denial of its plan before the expiration of the 90-day time frame from the Secretary’s receipt of a proposal, unless the tribe gives the Secretary express written consent before the expiration of the 90-day time frame for an extension of time for up to an additional 90 days. If a decision is not provided to the Indian tribe, or the Indian tribe does not provide a written extension of time to the Secretary before the expiration of the 90-day time frame, the Indian tribe’s plan is considered to be approved. However, at any time during the 90-day time frame, DWD may request one extension of time from the Indian tribe, provided that the extension may not be for more than 90 days. An Indian tribe’s denial of a request to extend the 90-day review time frame may not be used as a reason to deny an Indian tribe’s proposed plan.
      15. In the event that a tribe submits a late plan (i.e., their current plan is set to expire in less than 90 days), BIA may extend the current approved plan up to 120 days and the tribe may use the currently awarded funds and/or carryover funds to continue operations. BIA will issue formal notification to the tribe when granting an extension, copying all affected agencies. BIA will not transfer any funds and the tribe will not draw down any funds associated with the new plan until the plan has been approved.
          1. To prevent such situations from arising, affected agencies will keep track of plan dates and notify DWD of plan expiration dates 180 days before a plan expires. DWD will notify tribes of upcoming plan expiration dates at least 150 days before the plan expires and encourage them to submit a new plan so that the parties have at least 90 days to review it.
2. Waivers

The Department of the Interior and each affected agency shall cooperatively implement the waiver provisions during the plan review process consistent with section 3406 of the Act.

* 1. Requesting Waivers
     1. In consultation with Interior, a participating Indian tribe may request that the head of each affected agency waive any statutory, regulatory, or administrative requirement, policy, or procedure. Indian tribes should provide as much information as possible about which statutory, regulatory, or administrative requirement, policy, or procedure they need to be waived and why the waiver is being requested.
     2. Affected agencies may also identify waivers of any applicable statutory, regulatory, or administrative requirement, policy, or procedure necessary to enable an Indian tribe to efficiently implement a 477 plan.
     3. Procedures for forwarding the plan and accompanying waiver requests are articulated in section IV.B.3-5. As necessary, once the affected agency receives the Indian tribe’s waiver request, the Indian tribe and affected agency may work together to ensure the waiver request is complete.
     4. For the first year of implementation of this Act, for informational purposes and to ensure consistency throughout the government, BIA will share all waiver requests with all Parties at the same time that it is forwarding the waiver requests to the affected agencies for consideration.
     5. Pursuant to 25 U.S.C. § 3406(e)(1), the 90-day waiver clock begins when an affected agency receives an Indian tribe’s waiver request.
     6. There is a 90-day deadline for the head of the affected agency for which a waiver has been requested to decide whether to grant or deny the request. Interior and all affected agencies agree that the date on which the waiver request is received by the affected agency will be the day from which the 90-day deadline to deny the waiver shall be calculated. The affected agency will inform DWD and the Indian tribe the date on which the 90-day timeline for approval begins. See 25 U.S.C. §3406(e)(1); (e)(3).
  2. Granting or Denying Waivers
     1. Each affected agency shall waive any applicable statutory, regulatory, or administrative requirement, regulation, policy, or procedure promulgated by the agency that has been identified but shall not grant a waiver if the waiver is inconsistent with:
        1. The purposes of the Act; or
        2. The provision of the law from which the program included in the plan derives its authority that is specifically applicable to Indians. See 25 U.S.C. § 3406(d)(2).
     2. After an affected agency’s waiver determination, BIA shall either:
        1. Include the waiver determination as part of the 477 plan approval process; or
        2. Proceed in accordance with V.C.6.
     3. Interior will quarterly disseminate to all Parties all final waiver determinations.
  3. Timeline for processing waivers
     1. The head of an affected agency shall make a waiver determination no later than 90 days after the affected agency receives a waiver request. See 25 U.S.C. § 3406(e).
     2. If the head of an affected agency grants a waiver, that affected agency shall provide written notice of the determination to BIA, and BIA shall inform the Indian tribe. For the first year, within two days after an affected agency’s initial waiver decision, the affected agency shall disseminate such waiver determination to all other parties for informational purposes and to ensure consistency throughout the government.
     3. If the head of an affected agency denies the waiver, the affected agency shall provide BIA a written notice of the denial, and reasons for the denial, no later than 30 days after making such determination, and BIA shall inform the tribe. See 25 U.S.C. § 3406(f).
     4. If the head of the affected agency does not make a decision within 90 days after receipt of the waiver request, the waiver is considered granted. See 25 U.S.C. § 3406(e)(3).
     5. If an affected agency denies a waiver, BIA may approve a 477 plan for the requesting Indian tribe for all programs unaffected by the waiver denial. BIA may also approve a 477 plan for the program for which the waiver has been denied if the affected agency notifies BIA that the plan is approvable in the absence of the waiver.
     6. After consulting with the affected agency, BIA shall provide notice to the tribe so it can revise the plan if necessary. Such revisions may include, but are not limited to, removing the related program from the 477 plan or including the program with specific requirements/conditions in the 477 plan to reflect the decision.
     7. When tribes elect interagency dispute resolution in response to a waiver denial, the head of an affected agency shall notify non-affected agencies of the dispute in question.
  4. Interagency Dispute Resolution Process
     1. If an Indian tribe elects to participate in the interagency dispute resolution process, the following process will be followed:
        1. The Secretary shall initiate the process by contacting the participating Indian tribe and requesting notification within 5 business days on whether the tribe desires to conduct either a face-to-face meeting or conference call with the Secretary and the head of the affected agency, or their designees, to resolve the dispute.
        2. Upon receipt of the Indian tribe’s notification, the Secretary shall begin communication with both the tribe and the head of the affected agency to ensure the conference call or in-person meeting is conducted within 14 calendar days of the tribe’s notification.
        3. The Interagency dispute resolution session(s) will allow equal and ample opportunity for the BIA, the Indian tribe, and affected the affected agency to engage in discussion of the waiver request and provide documentation supporting their position.
        4. Should all agree, the Secretary may schedule additional sessions up to and including the 30th day after the dispute resolution process was initiated.
        5. Whether the additional sessions are face-to-face meetings or conference calls is at the discretion of the participating Indian tribe and the affected agency.
  5. Final authority to resolve issue
     1. If the dispute is resolved, BIA shall distribute the outcome of the final resolution to all affected agencies within ten days.
     2. If the dispute resolution process fails to resolve the dispute, the head of the affected agency shall have the final authority to resolve the dispute. See section 3406(h) of the Act.
     3. If the head of the affected agency determines that the waiver must be denied, the affected agency will issue a written statement to BIA.
     4. The Secretary shall provide the requesting Indian tribe within 5 days after the dispute is resolved:
        1. A written statement of the final decision on the waiver request; and
        2. If the Secretary of the Interior has determined that a program is not approvable to be included in a 477 plan without an agency granting the waiver at issue, notice of the right to file an appeal in accordance with IV.B.12.1. Once the waiver request is resolved, the tribe may amend its 477 plan, as necessary, to include the resolution.
     5. If the waiver request was approved, then the plan shall include the affected program. The plan may explicitly state which portions of statute, regulation, or requirements have been waived.
     6. If the waiver request was denied, then BIA shall provide notice to the tribe so it can revise the plan accordingly. Such revisions may include, but are not limited to, removing the related program from the 477 plan or including the program with specific requirements/conditions in the 477 plan to reflect the decision.

1. Transfer and Award of Funds
   1. Affected agencies shall inform BIA and the Indian tribe of the amount of Federal funds to be transferred by the affected agency to BIA for the award to the tribe for its approved 477 plan.
   2. At the request of an Indian tribe, BIA shall award Federal funds to an eligible Indian tribe pursuant to an existing contract, compact, or funding agreement awarded pursuant to Title I or IV of the ISDEAA, as amended, within 45 days of BIA’s receipt of the funds. The following language shall be included in contracts, compacts, or funding agreements used to transfer Federal funds not eligible for contracting under ISDEAA (funds to which Pub. L. 93-638 is not applicable):

In accordance with 25 U.S.C. sections 3411(b) and 3412(b), as has been the practice, BIA permits Federal funds for [insert title of grant program] that the relevant agency has transferred to BIA to be transferred to eligible Indian tribes pursuant to existing contracts, compacts, or funding agreements awarded pursuant to ISDEAA. However, including a program not otherwise eligible for ISDEAA in a 477 plan, and transferring funds for that program to an Indian tribe pursuant to an existing contract, compact, or funding agreement, does not make the program eligible for contracting under ISDEAA and does not make the provisions of Pub. L. 93-638 applicable to that program.

* 1. When a tribe elects to receive funds included in a 477 plan outside of the ISDEAA, the funds must still be provided from BIA to the tribe within 45 days of BIA's receipt of the funds.
  2. Affected agencies shall transfer funds to BIA no later than 30 days after the date the apportionment to the affected agency has been approved by the Office of Management and Budget (OMB) per 25 U.S.C. § 3412(a). If a program’s funding is subject to a continuing resolution, transfers will be based on the availability of the funds as outlined in the continuing resolution.
  3. Some programs are subject to a Secretary’s one percent discretionary transfer. This may result in withholding some of the funds or if funds have already been transferred, then the funds subject to BIA’s discretionary transfer would be returned to the affected agency.
  4. In the event of an overpayment, BIA shall return the excess funds to the affected agency within 60 days of being notified that an overpayment was made. Overpayments may be the result of rescissions, Secretary’s discretion for programs subject to a transfer, or miscalculations.

1. Oversight
   1. Reports
      1. BIA shall oversee an Indian tribe’s administration of a plan. BIA shall develop and use a single system and format for comprehensive Federal oversight and monitoring to ensure that tribes operate Federal programs according to their approved plans.
      2. BIA shall, in consultation with the Parties, within 30 days from the signing of this MOA:
         1. Develop a single OMB-approved statistical report format applicable to the programs in approved plans, for Indian tribes to report on activities described in their plans.
         2. Develop a single OMB-approved financial report format for Indian tribes to report on plan expenditures.
      3. As per 25 U.S.C. § 3410(b)(2) and (3), the report format, together with records maintained by each participating Indian tribe, shall contain information sufficient to determine whether the Indian tribe: (1) has complied with the requirements of the approved plan; (2) determine the number and percentage of program participants in unsubsidized employment during the second quarter after exit from the program; and (3) provide assurances to each applicable Federal department or agency that the Indian tribe has complied with all directly applicable statutory and regulatory requirements that have not been waived.
      4. The report format 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 but instead shall require the Indian tribe to submit a single report on the expenditure of consolidated funds under such plan.
      5. Affected agencies will be given the opportunity to ask follow-up questions about the reports.
      6. BIA shall distribute to affected agencies, or post online, statistical and financial reports within 30 days of the end of the reporting period.
      7. Affected agencies shall, within 30 days of notification that program and expenditure reports have been posted or made available, inform BIA of any issues (e.g., any indication that program funds were not used for allowable purposes or other errors in reporting).
2. Audits
   1. BIA shall safeguard Federal funds, in consultation with each affected agency transferring funds for a plan, pursuant to the requirements of the Single Audit Act of 1984, as amended, including review of all audit reports and completion of all close-out duties for the plans, by:
      1. Requiring Indian tribes or tribal organizations that expend less than $750,000 in Federal funds during a fiscal year to submit a certification that they are not required to submit an audit to the Division of Internal Evaluation and Assessment and the Awarding Official or Education Resource Officer.
      2. Providing the OMB with annual updates to the audit Compliance Supplement for all programs included in a plan (e.g., annually updating the 477 Cluster and ensuring all programs included in a plan are listed in the Cluster).
   2. BIA is the lead agency and is responsible for implementation of the Act. BIA is responsible for the receipt and distribution of all funds covered by a plan approved under the Act. As such, BIA is responsible for rendering a management decision on any Single Audit Act findings (e.g., resolving audit findings, preventing future findings) involving Federal funds that BIA has transferred to Indian tribes to support their plans.
   3. Affected agencies shall advise BIA of any facts or circumstances that will assist in safeguarding Federal funds. BIA will work with each of the affected agencies to take appropriate action after discussing such facts or circumstances.
3. Monitoring
   1. On-site monitoring will occur by the BIA once every three years or as needed. BIA shall submit monitoring reports to affected agencies within 90 days of completion of the on-site monitoring visit.
4. Technical Assistance
   1. BIA shall provide technical assistance to Indian tribes related to audit findings or program activities.
   2. Affected agencies shall advise and assist BIA and provide technical assistance at the request of an Indian tribe, subject to the availability of resources. When determined to be feasible, affected agencies shall inform BIA of technical assistance activities (including those that may include site visits) made available to Indian tribes through the originating program.
5. Forum Meetings
   1. Parties shall attend an annual meeting which includes participating Indian tribes, to be co-chaired by a representative of the President and a representative of participating Indian tribes. See 25 U.S.C. § 3410(a)(3)(B)(i).
   2. BIA shall convene a forum comprised of the affected agencies and participating Indian tribes to identify and resolve inter-agency conflicts and conflicts between the Federal government and Indian tribes in the administration of the Act. See 25 U.S.C. § 3410(a)(3)(B)(iii).
6. Annual Review
   1. Affected agencies shall collaborate on BIA’s annual review of the achievements under the 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 tribes from fully and efficiently carrying out the purposes of the Act. See 25 U.S.C. § 3410(a)(3)(B)(ii).
7. Public Statements
   1. The Parties shall coordinate all public statements and other disclosures with regard to this MOA. No Party shall undertake any publicity regarding the MOA unless the Parties consult in advance on the form, timing, and contents of any such publicity, announcement, or disclosure.
   2. Nothing in this section limits the Parties’ ability to respond to grantee inquiries regarding the Act, individual 477 proposed plans, or this MOA.
8. Duration and Ability to Extend
   1. This MOA becomes effective on the date of final signature. This MOA will be reviewed by the Parties every five years. At any time, any Party, upon 90-day written notice to the other Parties, may suggest amending this MOA. Any amendments to the MOA require mutual agreement of the Parties. The MOA may be terminated by mutual agreement of the Parties upon thirty (30) days advance notice of intent to terminate, or if the Act is repealed or revoked.
9. Commitment of Funds
   1. Nothing in this MOA constitutes a commitment or obligation of funds. All activities under this MOA are subject to the availability of funds.
10. MOA Signatures of Parties

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of Agriculture

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of Commerce

3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of Education

4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of Energy

5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of Health and Human Services

6. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of Homeland Security

7. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of Housing and Urban Development

8. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of the Interior

9. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney General

10. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of Labor

11. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of Transportation

12. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of Veterans Affairs

End of Agreement

Appendix A

* 1. This is a list of programs that tribes have historically been able to include in 477 plans. These are examples shared in this MOA for the information of the new Parties by the Parties participating in the 477 demonstration prior to passage of Pub. L. No. 115-93.

|  |  |
| --- | --- |
| Department | Eligible Program |
| Health and Human Services | Temporary Assistance for Needy Families |
| Health and Human Services | Native Employment Works |
| Health and Human Services | Child Care and Development Fund |
| Health and Human Services | Community Service Block Grant |
| Interior | BIA: Job Placement and Training |
| Interior | General Assistance |
| Interior | BIE: Johnson O'Malley |
| Interior | Higher Education |
| Interior | Adult Education |
| Labor | WIOA Section 166, Indian and Native American Programs |