

INTERDEPARTMENTAL MEMORANDUM OF AGREEMENT

Department of Agriculture
Department of Commerce
Department of Education
Department of Energy
Department of Health and Human Services
Department of Homeland Security
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of Transportation
Department of Veterans Affairs

Whereas, Congress directed the above-named Departments to negotiate and execute a memorandum of agreement providing for implementation of the Indian Employment, Training and Related Services Consolidation Act of 2017, 25 U.S.C. § 3410 (a)(3);

Therefore, the Parties agree as follows:

Section 1. Definitions.

“PL477” means the Indian Employment, Training, and Related Services Demonstration Act of 1992, Pub. L. 102-477 (October 23, 1992), as amended by the Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000, Title XI of Pub. L. 106-568 (December 27, 2000), and the Indian Employment, Training and Related Services Consolidation Act of 2017, Pub. L. 115-93 (December 18, 2017).

“477 Plan” means a plan authorized by PL477.

“Affected Agency” means an agency that administers a program that has been integrated, or is proposed for integration, under a 477 Plan.

“Annual Review” means the annual written report mandated by 25 U.S.C. § 3410 (a)(3)(B)(ii).

“BIA” means the Bureau of Indian Affairs within the United States Department of the Interior.

“Director” means the Director of the BIA.

“Indian tribe” has the meaning given the term ‘Indian tribe’ in section 4 of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 5304.

“Integrated Program” means a federal program that has been integrated under an approved 477 Plan.

“Parties” means the agencies of the government named in 25 U.S.C. § 3410 (a)(3)(A) that are required to enter into an interdepartmental memorandum of agreement providing for the implementation of PL477, including the most senior official of each agency or their designated representative.

Section 2. Annual Meeting of Participating, Prospective or Interested Indian Tribes, and Federal Agencies, and Members of the Public.

A. The Director shall annually publish in the Federal Register and distribute to the Indian tribes and the Parties notice of the location, date, time, and proposed agenda of a meeting of the Indian tribes and the Parties, with an option for attendees to participate virtually. 25 U.S.C. § 3410 (a)(3)(B)(i).

B. The Director’s notice shall identify the co-chairs of the meeting, which will include a representative of the Indian tribes and a representative of the President. 25 U.S.C. § 3410 (a)(3)(B)(i)(I-II).

Section 3. PL477 Annual Review.

A. The Director shall publish an Annual Review of the achievements of Indian tribes with approved 477 Plans, including, but not limited to, the following topics:

(1) the number and percentage of participants receiving services from Integrated Programs under 477 Plans that are in unsubsidized employment during the second quarter after exiting from Integrated Programs, to the extent that information is available. The BIA will work with the Department of Labor and Tribes to find solutions to difficulties encountered in obtaining this data; and

(2) any statutory, regulatory, administrative, or policy obstacles that prevent Indian tribes with approved 477 Plans from fully and efficiently carrying out the purposes of PL477. The BIA will survey Tribes on at least an annual basis to obtain this information and provide the survey results to the Parties.

B. The Annual Review will be made available to Tribes and Parties within 15 days of its publication.

Section 4. Forum for Conflict Resolution.

A. In accordance with the direction in PL477, 25 U.S.C. § 3410 (a)(3)(B)(iii), the Director, in consultation with leadership of Indian tribes and the Parties that are Affected Agencies, shall establish a forum to identify and resolve:

- (1) process-based and systemic interagency conflicts involving the administration of PL477; and
- (2) conflicts involving the administration of PL477 between the Federal Government and Indian tribes.

B. The forum shall not resolve specific 477 Plan or waiver decisions that are subject to the dispute resolution and appeal provisions of PL477, 25 U.S.C. §§ 3406 (g) and 3407 (d).

C. The BIA or any Affected Agency or an Indian tribe may call for the forum to meet on an as-needed basis, including by virtual attendance.

Section 5. Procedures for Submission, Review, and Approval of 477 Plans.

A. Point of Contact.

The BIA and each Affected Agency shall appoint a point of contact (POC) for addressing matters related to the administration of PL 477. The BIA shall maintain a list of all POCs and related contact information, including email addresses, and shall make the list available to all Affected Agencies and Indian Tribes.

B. Options for Submitting a proposed 477 Plan.

An Indian tribe may submit its proposed 477 Plan in PDF format to the BIA by email to:

477PlanSubmission@bia.gov

or in paper form by United States Mail or express courier to:

477 Plan Submission
1849 C Street NW – 3645 MIB
U.S. Department of the Interior – Bureau of Indian Affairs
Office of Indian Services – Division of Workforce Development
Washington, D.C. 20240

C. Compliance Review for 477 Plan Submission Packages.

Within two business days of receipt, the BIA will review the 477 Plan submission to ensure that it is complete and includes the following documents required by PL477:

- (1) A complete 477 Plan in accordance with 25 U.S.C. § 3405 (1)-(6), including a single budget and identification of any requested waivers; and
- (2) Approval by the governing body of the Indian tribe.

D. If the BIA determines that the 477 Plan submission is complete as required by PL477, then the 90-day statutory review period commences upon the date it was received by the BIA via email, U.S. Mail or courier. 25 U.S.C. § 3407 (b)(1). Within five business days of receipt of the 477 Plan, the BIA will email to the Indian tribe a letter acknowledging receipt of the complete 477 Plan, the date it was received, that the BIA has forwarded the 477 Plan to each Affected Agency for review and identifying the 90th day of the statutory review period.

E. If the BIA determines that the 477 Plan submission is not complete as required by PL477, the BIA will promptly return the package to the Indian tribe under cover of a letter stating:

- (1) Why the 477 Plan submission is not complete as required by PL477; and
- (2) That the statutory 90-day review period did not commence because the 477 Plan submission is not complete as required by PL477; and
- (3) That, upon request of the Indian tribe, the BIA is available to offer technical assistance on updating or revising the 477 Plan submission so that it is complete as required by PL477.

F. 477 Plan Distribution to Affected Agencies.

- (1) The BIA will review the complete 477 Plan to identify the Affected Agencies.
- (2) Within five business days of receipt of the 477 Plan, the BIA will distribute it electronically to all Affected Agencies at their email address identified pursuant to Section 5(A), above.

(3) The distribution email will identify the following dates within the 90-day statutory review period:

(i) The date the 477 Plan was submitted, beginning the 90-day statutory review period; and

(ii) 45 days from the date of submission, the date by which each Affected Agency submits comments, questions or concerns; and

(iii) 75 days from the date of submission; and

(iv) 90 days from the date of submission, the latest date by which the BIA issues a decision on the 477 Plan.

G. BIA Consultation on 477 Plan Review by Affected Agencies and Decision.

(1) Within 45 days of submission, as identified in the BIA's distribution email, each Affected Agency must reply to the BIA in writing identifying any comments, questions, or other concerns about the 477 Plan. Any comments or concerns should only address a relevant program related to the Affected Agency. Any comments or concerns received by the BIA after Day 45 risk being set aside if, in the BIA's sole and exclusive determination, accepting such comments would prejudice the BIA's ability to consider the comments by the Affected Agency, consult with the Indian tribe about the comments, including allowing reasonable time for the Indian tribe to respond, together with allowing the BIA to begin drafting its decision no later than Day 75 and approve the plan within the 90-day timeframe.

(2) The BIA will review the responses, if any, and if necessary, promptly schedule a call with the POC for each Affected Agency to discuss the comments or concerns.

(3) If necessary, the BIA will work with the Indian tribe to address the comments or concerns raised by each Affected Agency. At the Indian tribe's request, or with the permission of the Indian tribe, the BIA will ask an Affected Agency to join a meeting or meetings with the Indian tribe and the BIA.

(4) Each Affected Agency must communicate with the Indian tribe about any aspect of its proposed 477 Plan during the statutory 90-day review only through, and with the participation of, the BIA.

(5) The BIA will notify all Affected Agencies of its decision on the 477 Plan at least one business day before it is issued.

(6) The BIA shall issue and transmit its decision on the 477 Plan simultaneously to the Indian tribe and the Affected Agency no later than the end of Day 90, with a copy of its decision letter transmitted to each Affected Agency.

H. Procedures for Submission and Review of Waivers.

(1) Options for submitting a Waiver.

An Indian tribe may submit a Waiver in PDF format to the BIA by email to:

477PlanSubmission@bia.gov

or in paper form by United States Mail or express courier to:

477 Plan Submission
1849 C Street NW – 3645 MIB
U.S. Department of the Interior – Bureau of Indian Affairs
Office of Indian Services – Division of Workforce Development
Washington, D.C. 20240

(2) Waiver Distribution to Affected Agencies and Notification of Receipt.

(i) Within two business days of receipt of a Waiver, except those included within a Plan submission as provided in Section 5(B), above, the BIA will distribute it electronically to the Affected Agency at their email address identified pursuant to Section 5(A). The 90-day statutory review period commences upon the date the affected agency receives a waiver request from the BIA.

(ii) Within two business days of receipt of the Waiver, except those included within a Plan submission as provided in Section 5(B), above, the BIA will email to the Indian tribe a letter acknowledging receipt of the Waiver, notifying the Indian tribe that the BIA had forwarded the Waiver to the Affected Agency, and setting forth the beginning and end dates of the review period.

(3) Waiver Decision by Affected Agency and Notification.

(i) For a Waiver included within a Plan submission as provided in Section 5(B) above, each Affected Agency will send its decision on the Waiver to the BIA no later than Day 75 as identified in the BIA's Plan distribution email. Whenever possible, the Affected Agency will send its decision on the Waiver to the BIA along with any comments, questions, or concerns pursuant to Section 5(G)(1), above.

For any other Waiver, each Affected Agency must send its decision on the Waiver to the BIA no later than Day 85 as identified in the BIA's distribution email.

(ii) The BIA shall issue the notification of the Affected Agency's decision on the Waiver to the Indian tribe no later than Day 90 after the head of the Affected Agency received the Waiver, with a copy of the notification letter transmitted to the Affected Agency.

Section 6. Amendments.

This Interdepartmental Memorandum of Agreement may be amended only upon the consent of all participating agencies in consultation with Indian tribes.

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Signatures of the Parties to this Memorandum of Agreement



Thomas J. Vilsack
Secretary
Department of Agriculture

Date August 31, 2022

Signatures of the Parties to this Memorandum of Agreement



Gina M. Raimondo
Secretary
Department of Commerce

Date September 30, 2022

Signatures of the Parties to this Memorandum of Agreement



Miguel A. Cardona
Secretary
Department of Education

Date 09/28/2022

Signatures of the Parties to this Memorandum of Agreement



Jennifer M. Granholm
Secretary
Department of Energy

Date 10/03/2022

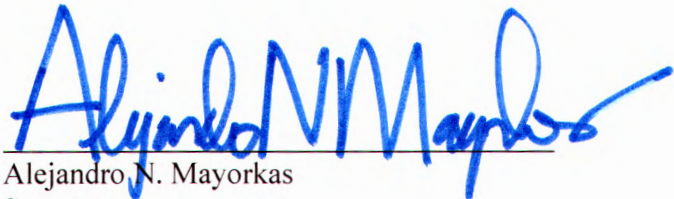
Signatures of the Parties to this Memorandum of Agreement



Xavier Becerra
Secretary
Department of Health and Human Services

Date 9/2/2022

Signatures of the Parties to this Memorandum of Agreement



Alejandro N. Mayorkas
Secretary
Department of Homeland Security

Date Sept 29 2022

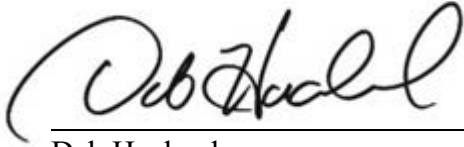
Signatures of the Parties to this Memorandum of Agreement

Marcia L. Fudge

Marcia L. Fudge
Secretary
Department of Housing and Urban Development

Date 9/29/2022

Signatures of the Parties to this Memorandum of Agreement



Deb Haaland
Secretary
Department of the Interior

Date **SEP 12 2022**

Signatures of the Parties to this Memorandum of Agreement



Merrick B. Garland
Attorney General
Department of Justice

Date September 30, 2022

Signatures of the Parties to this Memorandum of Agreement



Martin J. Walsh
Secretary
Department of Labor

Date September 27, 2022

Signatures of the Parties to this Memorandum of Agreement



Pete Buttigieg
Secretary
Department of Transportation

Date September 29, 2022

Signatures of the Parties to this Memorandum of Agreement



Denis McDonough
Secretary
Department of Veterans Affairs

Date 9/30/22

MEMORANDUM OF AGREEMENT PROVIDING FOR IMPLEMENTATION OF THE INDIAN
EMPLOYMENT, TRAINING AND RELATED SERVICES CONSOLIDATION ACT OF 2017