

REN-19-025: Supporting Immediate Amendments to the Inter-Agency MOA Governing the Indian Employment, Training and Related Services Consolidation Act of 2017 to Ensure Its Full and Proper Implementation

Sponsor: Shannon Wheeler, Chairman of the Nez Perce Tribe

Summary:

- The Indian Employment, Training and Related Services Demonstration Act of 1992 (P.L. 102-477, hereafter “477”) has made federal programming more effective in supporting tribal nations and Native organizations as they work to meet the employment, training, education, welfare reform, and related needs of the communities they serve.
- The Inter-Agency Memorandum of Agreement (MOA), released in December 2018, prevents the 12 mandated federal agencies from fully and properly implementing and complying with Public Law 115-93, the Indian Employment, Training, and Related Services Consolidation Act of 2017.

Issue:

In 2017, P.L. 115-93 was signed into law. P.L.115-93 is designed to strengthen and expand the original 477 legislation to enhance the ability of tribal nations and Native organizations to meet their employment, training, education, economic development, welfare reform, and related needs.

In 2018, the Secretary of the Interior released the Inter-Agency MOA. Although most of its provisions conform to the law and are non-controversial, the MOA contains five unlawful provisions.

1. It restricts the types of agency programs which are subject to the 477 law.
2. It seeks to transfer decisional authority over program eligibility from the Secretary of the Interior to the other agencies.
3. It limits eligibility for programs funded through competitive grants.
4. It gives agencies the authority to delay 477 plan reviews through multiple extensions.
5. It allows agencies to deny waiver requests for unlawful reasons.

Action:

Resolution REN-19-025 calls upon the Administration to immediately convene the law’s 12 named agencies and the White House Domestic Policy Council to develop and ratify technical amendments to the Inter-Agency MOA in full and direct consultation with the 477 Tribal Work Group and tribal nations in order to ensure that the MOA abides by the letter and spirit of the law.

For additional information, please contact Jacob Schellinger at jschellinger@ncai.org or Nicholas Courtney at ncourtney@ncai.org.

Resolution Action Plan: REN-19-025

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Action Plan:

- 30 Days:
 - Staff will review pertinent legislation related to resolution subject area.
 - Evaluate legislative and executive branch advocacy opportunities.
 - Contact resolution sponsor to coordinate requested assistance.
- 60 Days:
 - Assess opportunities for cross-coordination with other tribal nations, organizations, and representatives to work on a letter to Interior Secretary Bernhardt on issues with the 477 MOA.
 - Prepare update on NCAI advocacy for 2019 Annual Convention.
- 90 Days:
 - Meet with 477 Tribal Workgroup and key federal agency representatives on September 20, 2019.
- 120 Days:
 - Revise and release updated NCAI federal policy brief to include Indian Country's 477 priorities.
 - Continue Administration discussions.
 - Engage in Hill education pertaining to the 477 MOA and the possibility of oversight hearings.