

**(d) Investment of funds****(1) Treatment as tribal property**

Notwithstanding any other provision of law, any interest or investment income that accrues on any funds provided under this subchapter after such funds are paid to the Indian tribe or tribal organization and before such funds are expended for the purpose for which such funds were provided under this subchapter shall be the property of the Indian tribe or tribal organization and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, under any provision of Federal law.

**(2) Investment requirements**

Funds provided under this subchapter may be—

(A) invested by the Indian tribe or tribal organization only in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States, or

(B) deposited only into accounts that are insured by an agency or instrumentality of the United States.

**(e) Recoveries**

For the purposes of under recovery and over recovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this subchapter shall not be taken into consideration.

(Pub. L. 102-325, title XIII, §1316, July 23, 1992, 106 Stat. 801.)

**§ 3307. Administrative provisions****(a) Omitted****(b) Role of Director**

Applications for grants under this subchapter, and all application modifications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

**(c) Application of Indian Self-Determination and Education Assistance Act**

All provisions of sections 5, 6, 7, 105, 109, and 110 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c et seq.),<sup>1</sup> except those provisions pertaining to indirect costs and length of contract, shall apply to grants provided under this subchapter.

**(d) Regulations**

The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary by this subchapter. In all other matters relating to the details of planning, development, implementing, and evaluating grants under this subchapter, the Secretary shall not issue regulations. Regulations issued pursuant to this subchapter shall

not have the standing of a Federal statute for the purposes of judicial review.

**(e) Retrocession**

Whenever an Indian tribe requests retrocession of any program for which assistance is provided under this subchapter, such retrocession shall become effective upon a date specified by the Secretary not more than 120 days after the date on which the tribe requests the retrocession, or such later date as may be mutually agreed upon by the Secretary and the tribe. If such a program is retroceded, the Secretary shall provide to any Indian tribe served by such program at least the same quantity and quality of services that would have been provided under such program at the level of funding provided under this subchapter prior to the retrocession. The tribal governing body requesting the retrocession shall specify whether the retrocession shall be to a contract administered by the tribe, or a tribal entity, under the authority of the Indian Self-Determination Act [25 U.S.C. 5321 et seq.] or to a Bureau administered program.

**(f) Definitions**

For the purposes of this subchapter:

(1) The term “Secretary” means the Secretary of the Interior.

(2) The terms “Indian” and “Indian tribe” have the same meaning given those terms in sections<sup>2</sup> 4(d) and (e), respectively, of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5304(d), (e)].

(Pub. L. 102-325, title XIII, §1317, July 23, 1992, 106 Stat. 802.)

## REFERENCES IN TEXT

Sections 5, 6, 7, 105, 109, and 110 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c et seq.), referred to in subsec. (c), are sections 5, 6, 7, 105, 109, and 110 of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which were classified to sections 450c, 450d, 450e, 450j, 450m, and 450m-1, respectively, of this title prior to editorial reclassification as sections 5305, 5306, 5307, 5324, 5330, and 5331, respectively, of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

The Indian Self-Determination Act, referred to in subsec. (e), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, which is classified principally to subchapter I (§5321 et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

## CODIFICATION

Subsec. (a) of this section, which required the Secretary to submit a biennial report to Congress on programs established under this subchapter, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 79 of House Document No. 103-7.

## SUBCHAPTER II—CRITICAL NEEDS FOR TRIBAL DEVELOPMENT

**§ 3321. Short title**

This subchapter may be cited as the “Critical Needs for Tribal Development Act”.

(Pub. L. 102-325, title XIII, §1321, July 23, 1992, 106 Stat. 803.)

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be “section”.