

cation Assistance Act [25 U.S.C. 5301 et seq.], as in effect at the time of application to grants being made.

**(3) Single grant; separate accounts**

Each grantee shall receive only one grant during any fiscal year, which shall include both of the amounts under paragraphs (1) and (2). Each grantee shall maintain this grant in a separate account.

**(b) Use of funds**

Funds provided by grants under this subchapter shall be used—

(1) to make grants to individual Indian students to meet, on the basis of need, any educational expense of attendance in a post-secondary education program (as determined under the contracts applying to the post-secondary education program administered by tribes under the Indian Self Determination and Education Assistance Act (Public Law 93-638) [25 U.S.C. 5301 et seq.]), to the extent that such expense is not met from other sources or cannot be defrayed through the action of any State, Federal, or municipal Act, except that nothing in this subsection shall be interpreted as requiring any priority in consideration of resources; and

(2) costs of administering the program under this subchapter, except that no more may be spent on administration of such program than is generated by the method for administrative cost computation specified in subsection (a)(2).

(Pub. L. 102-325, title XIII, §1315, July 23, 1992, 106 Stat. 800.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsecs. (a)(2) and (b)(1), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to chapter 46 (§5301 et seq.) 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.

**§ 3306. Limitations on use of funds**

**(a) Use for religious purposes**

None of the funds made available under this subchapter may be used for study at any school or department of divinity or for any religious worship or sectarian activity.

**(b) Interest on funds**

No interest or other income on any funds made available under this subchapter shall be used for any purpose other than those for which such funds may be used.

**(c) Payments**

**(1) In general**

Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this subchapter in two payments—

(A) one payment to be made no later than October 1 of each fiscal year in an amount equal to one-half the amount paid during the preceding fiscal year to the grantee or a contractor that has elected to have the provisions of this subchapter apply, and

(B) the second payment consisting of the remainder to which the grantee or contrac-

tor is entitled for the fiscal year to be made by no later than January 1 of the fiscal year.

**(2) New grantees**

For any tribe for which no payment was made under this subchapter in the preceding fiscal year, full payment of the amount computed for each fiscal year shall be made by January 1 of the fiscal year.

**(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

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