

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 sections² 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,

²So in original. Probably should be “section”.

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.)

§ 3322. Definitions

As used in this subchapter:

(1) The term “federally funded higher education assistance” means any grant assistance provided to an Indian student from funds made available for such purpose by contract or grant to an Indian tribe from amounts appropriated under the authority of section 13 of this title.

(2) The term “eligible Indian tribe or tribal organization” means any Indian tribe or tribal organization that qualifies to administer federally funded higher education assistance under a contract pursuant to the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.] or under a grant pursuant to subchapter I of this chapter.

(3) The term “Indian” has the meaning given such term in section 4(d) of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5304(d)].

(Pub. L. 102-325, title XIII, §1322, July 23, 1992, 106 Stat. 803.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in par. (2), 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.

§ 3323. Service conditions permitted

(a) In general

An eligible Indian tribe or tribal organization may, in accordance with the requirements of this subchapter, require any applicant for federally funded higher education assistance, as a condition of receipt of such assistance, to enter into a critical area service agreement in accordance with section 3324 of this title.

(b) Critical area designation

Any eligible Indian tribe or tribal organization that intends to require critical area service agreements shall, by a formal action of the tribal council or its delegate, designate particular occupational areas as critical areas for the economic or human development needs of the tribe or its members. The tribe or organization shall notify the Secretary of the Interior in writing of such designated critical areas. Such designations shall be applicable to federally funded higher education assistance for any fiscal year following the fiscal year in which the designation is made until such designation is withdrawn