

(1) Section 314 of the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101-512; 104 Stat. 1959 [25 U.S.C. 5321 note]).

(2) Chapter 171 of title 28 (commonly known as the “Federal Tort Claims Act”).

(g) Interest or other income

(1) In general

An Indian tribe shall be entitled to retain interest earned on any funds transferred to the tribe under an approved plan and such interest shall not diminish the amount of funds the Indian tribe is authorized to receive under the plan in the year the interest is earned or in any subsequent fiscal year.

(2) Prudent investment

Funds transferred under a plan shall be managed in accordance with the prudent investment standard.

(Pub. L. 102-477, §14, Oct. 23, 1992, 106 Stat. 2305; Pub. L. 115-93, §14, Dec. 18, 2017, 131 Stat. 2035.)

AMENDMENTS

2017—Pub. L. 115-93 substituted “Administration of funds” for “Administration of funds and overage” in section catchline, added subsecs. (a) to (c) and (e) to (g), redesignated former subsec. (b) as (d) and designated existing provisions as par. (1), inserted heading, substituted “regulations)” for “regulations), and no overage shall be counted for Federal audit purposes, provided that the overage is used for the purposes provided for under this chapter”, and added par. (2), and struck out former subsec. (a) which related to administration of funds.

§§ 3414, 3415. Repealed. Pub. L. 115-93, § 16(a), Dec. 18, 2017, 131 Stat. 2036

Section 3414, Pub. L. 102-477, §15, Oct. 23, 1992, 106 Stat. 2305, related to fiscal accountability.

Section 3415, Pub. L. 102-477, §16, Oct. 23, 1992, 106 Stat. 2305; Pub. L. 103-437, §10(e)(1), (2)(C), Nov. 2, 1994, 108 Stat. 4589, related to report on statutory obstacles to program integration.

§ 3416. Labor market information on Indian work force

(a) Report

The Secretary of Labor, in consultation with the Secretary, Indian tribes, and the Director of the Bureau of the Census, shall develop, maintain and publish, not less than biennially, a report on the population eligible for the services which the Secretary provides to Indian people. The report shall include, but is not limited to, information at the national level by State, Bureau of Indian Affairs Service area, and tribal level for the—

- (1) total service population;
- (2) the service population under age 16 and over 64;
- (3) the population available for work, including those not considered to be actively seeking work;
- (4) the employed population, including those employed with annual earnings below the poverty line; and
- (5) the numbers employed in private sector positions and in public sector positions.

(b) Indian demographic information

The Secretary, in consultation with the Bureau of the Census of the Department of Com-

merce, and the National Center for Native American Studies and Policy Development authorized by Public Law 101-301, shall prepare a report on the need for comprehensive, accurate and periodically updated information on the size and characteristics of the Indian and Alaska Native population throughout the entire United States. This report shall include the need for information, together with the cost of acquiring such information, on the characteristics and need for education, health, housing, job training, and other basic needs of such population, and shall take into consideration the need for this information by Indian tribes and organizations serving Indians in nonreservation areas. The report shall be submitted to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Education and Labor of the House of Representatives not later than 12 months after October 23, 1992.

(Pub. L. 102-477, §15, formerly §17, Oct. 23, 1992, 106 Stat. 2305; Pub. L. 103-437, §10(e)(1), (2)(C), Nov. 2, 1994, 108 Stat. 4589; renumbered §15 and amended Pub. L. 115-93, §§15, 16(b), Dec. 18, 2017, 131 Stat. 2036.)

REFERENCES IN TEXT

Public Law 101-301, referred to in subsec. (b), is Pub. L. 101-301, May 24, 1990, 104 Stat. 206. Section 11 of Pub. L. 101-301, which authorized feasibility study for the establishment of a National Center for Native American Studies and Policy Development, is not classified to the Code. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

A prior section 15 of Pub. L. 102-477 was classified to section 3414 of this title, prior to repeal by Pub. L. 115-93.

AMENDMENTS

2017—Subsec. (a), Pub. L. 115-93, §15, in introductory provisions, substituted “The Secretary of Labor, in consultation with the Secretary, Indian tribes, and the Director of the Bureau of the Census, shall” for “The Secretary, in consultation with the Secretary of Labor, shall, in a consistent and reliable manner,” and struck out “, by gender,” after “population”.

1994—Subsec. (b), Pub. L. 103-437 substituted “Committee on Indian” for “Select Committee on Indian” and “Natural Resources” for “Interior and Insular Affairs”.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§ 3417. Assignment of Federal personnel to State Indian economic development programs

Any State with an economic development program targeted to Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of the Intergovernmental Personnel Act of 1970 [42 U.S.C. 4701 et seq.], may deem appropriate to help ensure the success of such program.

(Pub. L. 102-477, §16, formerly §18, Oct. 23, 1992, 106 Stat. 2306; renumbered §16, Pub. L. 115-93, 16(b), Dec. 18, 2017, 131 Stat. 2036.)

REFERENCES IN TEXT

The Intergovernmental Personnel Act of 1970, referred to in text, is Pub. L. 91-648, Jan. 5, 1971, 84 Stat. 1909, as amended, which enacted sections 3371 to 3376 of Title 5, Government Organization and Employees, and chapter 62 (§4701 et seq.) of Title 42, The Public Health and Welfare, amended section 1304 of Title 5 and section 246 of Title 42, repealed sections 1881 to 1888 of Title 7, Agriculture, and section 869b of Title 20, Education, and enacted provisions set out as notes under section 3371 of Title 5. For complete classification of this Act to the Code, see Short Title note set out under section 4701 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 16 of Pub. L. 102-477 was classified to section 3415 of this title, prior to repeal by Pub. L. 115-93.

CHAPTER 37—INDIAN ENERGY

Sec.	
3501.	Definitions.
3502.	Indian tribal energy resource development.
3503.	Indian tribal energy resource regulation.
3504.	Leases, business agreements, and rights-of-way involving energy development or transmission.
3505.	Federal power marketing administrations.
3506.	Wind and hydropower feasibility study.
3507.	Appraisals.

CODIFICATION

Title XXVI of the Energy Policy Act of 1992, comprising this chapter, was originally enacted by Pub. L. 102-486, title XXVI, Oct. 24, 1992, 106 Stat. 3113, and amended by Pub. L. 103-437, Nov. 2, 1994, 108 Stat. 4581; Pub. L. 105-388, Nov. 13, 1998, 112 Stat. 3477. Title XXVI is shown herein, however, as having been added by Pub. L. 109-58, title V, §503(a), Aug. 8, 2005, 119 Stat. 764, without reference to such intervening amendments because of the extensive revision of the title's provisions by Pub. L. 109-58.

§ 3501. Definitions

In this chapter:

(1) The term "Director" means the Director of the Office of Indian Energy Policy and Programs, Department of Energy.

(2) The term "Indian land" means—

(A) any land located within the boundaries of an Indian reservation, pueblo, or rancharia;

(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancharia, the title to which is held—

(i) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

(ii) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(iii) by a dependent Indian community; and

(C) land that is owned by an Indian tribe and was conveyed by the United States to a Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or that was conveyed by the United States to a Native Corporation in exchange for such land.

(3) The term "Indian reservation" includes—

(A) an Indian reservation in existence in any State or States as of August 8, 2005;

(B) a public domain Indian allotment; and
(C) a dependent Indian community located within the borders of the United States, regardless of whether the community is located—

(i) on original or acquired territory of the community; or

(ii) within or outside the boundaries of any State or States.

(4)(A) The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).¹

(B) For the purpose of paragraph (12) and sections 3503(b)(1)(C) and 3504 of this title, the term "Indian tribe" does not include any Native Corporation.

(5) The term "integration of energy resources" means any project or activity that promotes the location and operation of a facility (including any pipeline, gathering system, transportation system or facility, or electric transmission or distribution facility) on or near Indian land to process, refine, generate electricity from, or otherwise develop energy resources on, Indian land.

(6) The term "Native Corporation" has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(7) The term "organization" means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established to develop Indian energy resources.

(8) The term "Program" means the Indian energy resource development program established under section 3502(a) of this title.

(9) The term "qualified Indian tribe" means an Indian tribe that has—

(A) carried out a contract or compact under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) for a period of not less than 3 consecutive years ending on the date on which the Indian tribe submits the application without material audit exception (or without any material audit exceptions that were not corrected within the 3-year period) relating to the management of tribal land or natural resources; or

(B) substantial experience in the administration, review, or evaluation of energy resource leases or agreements or has otherwise substantially participated in the administration, management, or development of energy resources located on the tribal land of the Indian tribe.

(10) The term "Secretary" means the Secretary of the Interior.

(11) The term "sequestration" means the long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

(12) The term "tribal energy development organization" means—

¹ See References in Text note below.