

§ 3413. Administration of funds**(a) Requirements****(1) In general****(A) Consolidation and reallocation of funds**

Notwithstanding any other provision of law, all amounts transferred to a tribe pursuant to an approved plan may be consolidated, reallocated, and rebudgeted as specified in the approved plan to best meet the employment, training, and related needs of the local community served by the Indian tribe.

(B) Authorized use of funds

The amounts used to carry out a plan approved under this chapter shall be administered in such manner as the Secretary determines to be appropriate to ensure the amounts are spent on activities authorized under the approved plan.

(C) Effect

Nothing in this section interferes with the ability of the Secretary or the lead agency to use accounting procedures that conform to generally accepted accounting principles, auditing procedures, and safeguarding of funds that conform to chapter 75 of title 31 (commonly known as the “Single Audit Act of 1984”).

(2) Separate records and audits not required

Notwithstanding any other provision of law (including regulations and circulars of any agency (including Office of Management and Budget Circular A-133)), an Indian tribe that has in place an approved plan under this chapter shall not be required—

(A) to maintain separate records that trace any service or activity conducted under the approved plan to the program for which the funds were initially authorized or transferred;

(B) to allocate expenditures among such a program; or

(C) to audit expenditures by the original source of the program.

(b) Carryover**(1) In general**

Any funds transferred to an Indian tribe under this chapter that are not obligated or expended prior to the beginning of the fiscal year after the fiscal year for which the funds were appropriated shall remain available for obligation or expenditure without fiscal year limitation, subject to the condition that the funds shall be obligated or expended in accordance with the approved plan of the Indian tribe.

(2) No additional documentation

The Indian tribe shall not be required to provide any additional justification or documentation of the purposes of the approved plan as a condition of receiving or expending the funds.

(c) Indirect costs

Notwithstanding any other provision of law, an Indian tribe shall be entitled to recover 100

percent of any indirect costs incurred by the Indian tribe as a result of the transfer of funds to the Indian tribe under this chapter.

(d) Overage**(1) In general**

All administrative costs may be commingled and participating Indian tribes shall be entitled to the full amount of such costs (under each program or department’s regulations).

(2) Treatment

The amount equal to the difference between the amount of the commingled funds and the actual administrative cost of the programs, as described in paragraph (1), shall be considered to be properly spent for Federal audit purposes if the amount is used to achieve the purposes of this chapter.

(e) Matching funds

Notwithstanding any other provision of law, any funds transferred to an Indian tribe under this chapter shall be treated as non-Federal funds for purposes of meeting matching requirements under any other Federal law, except those administered by the Department of Labor or the Department of Health and Human Services.

(f) Claims

The following provisions of law shall apply to plans approved under this chapter:

(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.)

Editorial Notes

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 Commerce, 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.)

Editorial Notes

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”.

§ 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.)

Editorial Notes

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.

Editorial Notes

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.