

(I) a representative of the President; and

(II) a representative of the participating Indian tribes;

(ii) an annual review of the achievements under this chapter, including the number and percentage of program participants in unsubsidized employment during the second quarter after exit from the program, and any statutory, regulatory, administrative, or policy obstacles that prevent participating Indian tribes from fully and efficiently carrying out the purposes of this chapter; and

(iii) a forum comprised of participating Indian tribes and Federal departments and agencies to identify and resolve inter-agency conflicts and conflicts between the Federal Government and Indian tribes in the administration of this chapter.

### (b) Report format

#### (1) In general

The lead agency shall develop and distribute to Indian tribes that have in place an approved plan under this chapter a single report format, in accordance with the requirements of this chapter.

#### (2) Requirements

The lead agency shall ensure that the report format developed under paragraph (1), together with records maintained by each participating Indian tribe, contains information sufficient—

(A) to determine whether the Indian tribe has complied with the requirements of the approved plan of the Indian tribe;

(B) to determine the number and percentage of program participants in unsubsidized employment during the second quarter after exit from the program; and

(C) to provide assurances to the head of each applicable Federal department or agency that the Indian tribe has complied with all directly applicable statutory and regulatory requirements not waived under section 3406 of this title.

#### (3) Limitation

The report format developed under paragraph (1) shall not require a participating Indian tribe to report on the expenditure of funds expressed by fund source or single agency code transferred to the Indian tribe under an approved plan under this chapter but instead shall require the Indian tribe to submit a single report on the expenditure of consolidated funds under such plan.

(Pub. L. 102-477, §11, Oct. 23, 1992, 106 Stat. 2304; Pub. L. 115-93, §11, Dec. 18, 2017, 131 Stat. 2032.)

#### Editorial Notes

##### AMENDMENTS

2017—Pub. L. 115-93 amended section generally. Prior to amendment, section related to Federal responsibilities, specifying the responsibilities of Department of the Interior, and report requirements.

### § 3411. No reduction in amounts

#### (a) In general

In no case shall the amount of Federal funds available to an Indian tribe that has in place an approved plan under this chapter be reduced as a result of—

(1) the enactment of this chapter; or

(2) the approval or implementation of a plan of an Indian tribe under this chapter.

#### (b) Interaction with other laws

The inclusion of a program in a tribal plan under this chapter shall not—

(1) modify, limit, or otherwise affect the eligibility of the program for contracting under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); or

(2) eliminate the applicability of any provision of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), as the provision relates to a specific program eligible for contracting under that Act.

(Pub. L. 102-477, §12, Oct. 23, 1992, 106 Stat. 2304; Pub. L. 115-93, §12, Dec. 18, 2017, 131 Stat. 2034.)

#### Editorial Notes

##### REFERENCES IN TEXT

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

##### AMENDMENTS

2017—Pub. L. 115-93 amended section generally. Prior to amendment, text read as follows: “In no case shall the amount of Federal funds available to a tribal government involved in any demonstration project be reduced as a result of the enactment of this chapter.”

### § 3412. Transfer of funds

#### (a) In general

Notwithstanding any other provision of law, not later than 30 days after the date of apportionment to the applicable Federal department or agency, the head of a Federal agency overseeing a program identified in a plan approved under this chapter shall transfer to the Director of the Bureau of Indian Affairs for distribution to an Indian tribe any funds identified in the approved plan of the Indian tribe.

#### (b) Transfer of funds

Notwithstanding any other provision of law, at the request of the Indian tribe, all program funds transferred to an Indian tribe in accordance with the approved plan of the Indian tribe shall be transferred to the Indian tribe pursuant to an existing contract, compact, or funding agreement awarded pursuant to title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.).

(Pub. L. 102-477, §13, Oct. 23, 1992, 106 Stat. 2304; Pub. L. 115-93, §13, Dec. 18, 2017, 131 Stat. 2034.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (b), is Pub. L. 93-638,

Jan. 4, 1975, 88 Stat. 2203. Title I of the Act is classified principally to subchapter I (§5321 et seq.) of chapter 46 of this title. Title IV of the Act is classified generally to subchapter IV (§5361 et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see section 1 of Pub. L. 93-638, set out as a Short Title note under section 5301 of this title and Tables.

#### AMENDMENTS

2017—Pub. L. 115-93 amended section generally. Prior to amendment, text read as follows: “The Secretary of the Interior, Secretary of Labor, Secretary of Health and Human Services, or the Secretary of Education, as appropriate, is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to a tribal government in order to further the purposes of this chapter.”

### § 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.)