

### § 183.3

### 25 CFR Ch. I (4–1–11 Edition)

United States under section 3707(b) of the Settlement Act.

We and *us* mean the Secretary of the Interior as defined in this section.

#### **§ 183.3 Does the American Indian Trust Fund Management Reform Act of 1994 apply to this part?**

Yes. We will manage and make distributions from the Trust Fund in accordance with the American Indian Trust Funds Management Act of 1994 (Management Act), except where the Management Act conflicts with the Settlement Act or this part. If there is a conflict, we will follow the provisions of the Settlement Act or this part.

### **Subpart B—Trust Fund Disposition**

#### **USE OF PRINCIPAL AND INCOME**

#### **§ 183.4 How can the Tribe use the principal and income from the Trust Fund?**

The Tribe may use the principal and income from the Trust Fund in the following ways:

- (a) To put to beneficial use the water entitlement provided to the Tribe in the Settlement Act;
- (b) To defray the cost to the Tribe of CAP operation, maintenance, and replacement charges;
- (c) For economic development purposes; provided, however, that principal may only be used for long-term economic development projects and income may be used for other economic and community development purposes; and
- (d) For Administrative Costs reasonably related to the above uses.

#### **CLEARANCE REQUIREMENTS**

#### **§ 183.5 What documents must the Tribe submit to request money from the Trust Fund?**

To request a distribution of principal or income from the Trust Fund, the Tribe must submit to us all of the following documents.

- (a) A certified copy of a duly enacted resolution of the Tribal Council requesting a distribution from the Trust Fund;

- (b) A written budget and supporting documentation, approved by the Tribal Council, showing precisely how the tribe will spend the money, including what amounts should come from principal and what amounts should come from income;

- (c) A pro forma budget for each identified economic development project, and a program budget for each identified community development project; and

- (d) A certification stating that the Tribe will use the funds in accordance with budgets submitted under this section.

#### **§ 183.6 How long will it take to get a decision?**

Within 30 days of receiving the information required by § 183.5 we will approve your request if it complies with the Settlement Act and this part. If we disapprove your request we will do so in writing and will provide you with the reasons for disapproval.

#### **§ 183.7 What would cause the Secretary to disapprove a request?**

We will only disapprove a request for the distribution of principal or income from the Trust Fund if the request does any of the following:

- (a) Fails to provide the documents identified in § 183.5;
- (b) Fails to provide reports required under §§ 183.15 and 183.16; or
- (c) Includes a use requested or written budget that does not comply with a specific provision of the Settlement Act, or this part.

#### **LIMITATIONS**

#### **§ 183.8 How can the Tribe spend funds?**

- (a) The Tribe must spend principal or income distributed from the Trust Fund only in accordance with a written budget submitted under § 183.5.

- (b) The Tribe must not spend the principal or income from the Trust Fund to make per capita payments to members of the Tribe.