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CHAPTER 1—BUREAU OF INDIAN AFFAIRS

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NATIONAL COUNCIL ON INDIAN OPPORTUNITY; APPROPRIATIONS AUTHORIZATION; TERMINATION DATE

Pub. L. 91–125, Nov. 26, 1969, 83 Stat. 220, provided for annual appropriations of $300,000 and a termination date of Nov. 26, 1974 for the National Council on Indian Opportunity which was established by Ex. Ord. 11399.

EXECUTIVE ORDER NO. 11399

Ex. Ord. No. 11399, Mar. 6, 1968, 33 F.R. 4245, as amended by Ex. Ord. 11551, Aug. 11, 1970, 35 F.R. 12885; Ex. Ord. No. 11688, Dec. 1, 1972, 37 F.R. 25815, established the National Council on Indian Opportunity and provided for the functions, compensation, assistance, and meetings with respect to the Council.

§ 1. Commissioner of Indian Affairs

There shall be in the Department of the Interior a Commissioner of Indian Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate.

(R.S. § 462.)

CODIFICATION

R.S. § 462 derived from act July 9, 1832, ch. 174, § 1, 4 Stat. 564.

Provisions of this section relating to compensation of the Commissioner were omitted as obsolete. The position is in level V of the Executive Schedule under section 5316 of Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1a. Delegation of powers and duties by Secretary of the Interior and Commissioner of Indian Affairs

For the purpose of facilitating and simplifying the administration of the laws governing Indian affairs, the Secretary of the Interior is authorized to delegate, from time to time, and to the extent and under such regulations as he deems proper, his powers and duties under said laws to the Commissioner of Indian Affairs, insofar as such powers and duties relate to action in individual cases arising under general regulations promulgated by the Secretary of the Interior pursuant to law. Subject to the supervision and direction of the Secretary, the Commissioner is authorized to delegate, in like manner, any powers and duties so delegated to him by the Secretary, or vested in him by law, to the assistant commissioners, or the officer in charge of any branch, division, office, or agency of the Bureau of Indian Affairs, insofar as such powers and duties relate to action in individual cases arising under general regulations promulgated by the Secretary of the Interior or the Commissioner of Indian Affairs pursuant to law. Such delegated powers shall be exercised subject to appeal to the Secretary, under regulations to be prescribed by him, or, as from time to time determined by him, to the Deputy Secretary or to an Assistant Secretary of the Department of the Interior, or to the Commissioner of Indian Affairs. The Secretary or the Commissioner, as the case may be, may at any time revoke the whole or any part of a delegation made pursuant to this section, but no such revocation shall be given retroactive effect. Nothing in this section shall be deemed to abrogate or curtail any authority to make delegations conferred by any other provision of law, nor shall anything in this section be deemed to convey authority to delegate any power to issue regulations.

(Aug. 8, 1946, ch. 907, 60 Stat. 939; Pub. L. 101–509, title V, § 529 [title I, § 112(c)], Nov. 5, 1990, 104 Stat. 1427, 1454.)

AMENDMENTS

1990—Pub. L. 101–509 substituted ''Deputy Secretary'' for ''Under Secretary'' before ''or to an Assistant Secretary''.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–509 effective on first day of first pay period beginning on or after Nov. 5, 1990, with continued service by incumbent Under Secretary of the Interior, see section 529 [title I, § 112(e)(1), (2)(B)] of Pub. L. 101–509, set out as a note under section 3404 of Title 20, Education.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

ASSISTANT COMMISSIONERS

An assistant commissioner was authorized by a provision of act July 16, 1914, ch. 141, § 1, 38 Stat. 490.

§ 2. Duties of Commissioner

The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations.

(R.S. § 463.)

CODIFICATION

R.S. § 463 derived from acts July 9, 1832, ch. 174, § 1, 4 Stat. 564; July 27, 1868, ch. 259, § 1, 15 Stat. 228.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2,

eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

All supervisory and appellate powers and duties in regard to Indian affairs theretofore vested in Secretary of the Treasury were thereafter to be exercised and performed by Secretary of the Interior under provisions of section 1 of act July 27, 1868, ch. 259, 15 Stat. 228.

Appointment by President of a Commissioner of Indian Affairs to act under direction of Secretary of War was provided for by section 1 of act July 9, 1832, ch. 174, 4 Stat. 564.

§ 2a. Assistant or deputy commissioners; appointment; powers and duties

Assistant or deputy commissioners of the Bureau of Indian Affairs, in the Department of the Interior, shall be appointed by the Secretary of the Interior, subject to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5. Appointments to these positions shall be considered as made under the authority of section 3101 of title 5. Assistant and deputy commissioners so appointed shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the commissioner of the Bureau of Indian Affairs. The Secretary may designate for the Bureau of Indian Affairs an assistant or deputy commissioner, who shall be authorized to perform the duties of the commissioner in case of the death, resignation, absence, or sickness of the commissioner.

(June 5, 1942, ch. 336, § 1, 56 Stat. 312; 1946 Reorg. Plan No. 3, § 403(d), eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

REFERENCES IN TEXT

The civil-service laws, referred to in text, are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" and "section 3101 of title 5" substituted in text for "the Classification Act of 1949, as amended" and "section 169 of the Revised Statutes, as amended (5 U.S.C., sec. 43)", respectively, on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section embodies only those provisions of section 1 of act June 5, 1942, which relate to the Bureau of Indian Affairs. Provisions of section 1 of such act relating to the General Land Office were classified to section 3a of Title 43, Public Lands, and were omitted from the Code pursuant to Reorg. Plan No. 3 of 1946.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

REPEAL OF INCONSISTENT LAWS

Section 2 of act June 5, 1942, provided as follows: "All provisions of law inconsistent with this Act [this section] are hereby repealed to the extent of such inconsistency."

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

ASSISTANT COMMISSIONERS

An assistant commissioner was authorized by a provision of act July 16, 1914, ch. 141, § 1, 38 Stat. 490.

§ 3. Compilation of statutes regulating duties of Indian agents and inspectors

It shall be the duty of the Commissioner of Indian Affairs to cause to be compiled and printed for the use of Indian agents and inspectors the provisions of the statutes regulating the performance of their respective duties, and also to furnish said officers from time to time information of new enactments upon the same subject.

(May 17, 1882, ch. 163, § 7, 22 Stat. 88.)

CODIFICATION

Section is from the Indian Appropriation Act, 1883.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

INDIAN AGENTS

There have been no Indian agents since 1908. See note under section 64 of this title.

§ 4. Defective record of deeds and papers legalized

The recording of all deeds and papers prior to July 26, 1892, in the office of the Commissioner of Indian Affairs is confirmed, approved, and legalized; and said record theretofore made shall be deemed, taken, and held to be good and valid and shall have all the force and effect and be entitled to the same credit as if it had been made in pursuance of and in conformity to law. But shall have no effect whatever upon the validity or invalidity of the deed or paper so recorded, and shall be no evidence of constructive notice to any persons not actually knowing the contents.

(July 26, 1892, ch. 256, § 1, 27 Stat. 272.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 5. Record of deeds by Indians requiring approval

The Commissioner of Indian Affairs is hereby empowered and directed to continue to make and keep a record of every deed executed by any Indian, his heirs, representatives, or assigns, which may require the approval of the President of the United States or of the Secretary of the Interior, whenever such approval shall have

been given, and the deed so approved returned to said office.

(July 26, 1892, ch. 256, § 2, 27 Stat. 273.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 6. Seal; authenticated and certified documents; evidence

The Commissioner of Indian Affairs shall cause a seal to be made and provided for the said office, with such device as the President of the United States shall approve, and copies of any public documents, records, books, maps, or papers belonging to or on the files of said office, authenticated by the seal and certified by the Commissioner thereof, or by such officer as may, for the time being, be acting as or for such Commissioner, shall be evidence equally with the originals thereof.

(July 26, 1892, ch. 256, § 3, 27 Stat. 273.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 7. Fees for furnishing certified copies of records

The Commissioner of Indian Affairs shall have the custody of said seal, and shall furnish certified copies of any such records, books, maps, or papers belonging to or on the files of said office, to any person applying therefor who shall comply with the requirements of said office, upon the payment by such parties at the rate of 10 cents per hundred words, and $1 for copies of maps or plats, and the additional sum of 25 cents for the Commissioner's certificate of verification, with the seal of said office; and one of the employees of said office shall be designated by the Commissioner as the receiving clerk, and the amounts so received shall, under the direction of the Commissioner, be paid into the Treasury of the United States; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government or by any Indian who shall satisfy the Commissioner by satisfactory legal evidence that he or she is not able, by reason of poverty, to pay such fees, nor for such unverified copies as the Commissioner in his discretion may deem proper to furnish.

(July 26, 1892, ch. 256, § 4, 27 Stat. 273; Pub. L. 92–310, title II, § 229(b), June 6, 1972, 86 Stat. 208.)

AMENDMENTS

1972—Pub. L. 92–310 struck out provisions which required the receiving clerk to give a bond in the sum of $1,000.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 8. Accounts for claims and disbursements

All accounts and vouchers for claims and disbursements connected with Indian affairs shall be transmitted to the Commissioner for administrative examination, and by him passed to the Government Accountability Office for settlement.

(R.S. § 464; June 10, 1921, ch. 18, title III, § 304, 42 Stat. 24; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

CODIFICATION

R.S. § 464 derived from act July 9, 1832, ch. 174, § 3, 4 Stat. 564.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

"Government Accountability Office" substituted in text for "General Accounting Office" pursuant to section 8(b) of Pub. L. 108–271, set out as a note under section 702 of Title 31, Money and Finance, which redesignated the General Accounting Office and any references thereto as the Government Accountability Office. Previously, "General Accounting Office" substituted in text for "proper accounting officer of the Department of the Treasury" pursuant to act June 10, 1921, which transferred all powers and duties of the Comptroller, six auditors, and certain other employees of the Treasury to the General Accounting Office. See section 701 et seq. of Title 31.

§ 9. Regulations by President

The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs, and for the settlement of the accounts of Indian affairs.

(R.S. § 465.)

CODIFICATION

R.S. § 465 derived from act June 30, 1834, ch. 162, § 17, 4 Stat. 738.

§ 10. Employee to sign letters

The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters of that office requiring the signature of the commissioner or assistant commissioner, and all signatures of such employee while acting under such designation shall have the same force and effect as if made by said commissioner or assistant commissioner.

(Mar. 3, 1909, ch. 263, 35 Stat. 783.)

CODIFICATION

Section is from the Indian Department Appropriation Act, 1910.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 11. Employee or employees to sign approval of tribal deeds

The Secretary of the Interior is authorized to designate an employee or employees of the Department of the Interior to sign, under the direction of the Secretary, in his name and for him, his approval of tribal deeds to allottees, to purchasers of town lots, to purchasers of unallotted lands, to persons, corporations, or organizations for lands reserved to them under the law for their use and benefit, and to any tribal deeds made and executed according to law for any of the Five Civilized Tribes of Indians in Oklahoma.

(Mar. 3, 1911, ch. 210, §17, 36 Stat. 1069.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 12. Agent to negotiate commutation of annuities

The Commissioner of Indian Affairs is authorized to send a special Indian Agent, or other representative of his office, to visit any Indian tribe for the purpose of negotiating and entering into a written agreement with such tribe for the commutation of the perpetual annuities due under treaty stipulations, to be subject to the approval of Congress; and the Commissioner of Indian Affairs shall transmit to Congress said agreements with such recommendations as he may deem proper.

(Apr. 30, 1908, ch. 153, 35 Stat. 73.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

INDIAN AGENTS

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

§ 13. Expenditure of appropriations by Bureau

The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs.

Notwithstanding any other provision of this section or any other law, postsecondary schools administered by the Secretary of the Interior for Indians, and which meet the definition of an ''institution of higher education'' under section 101 of the Higher Education Act of 1965 [20 U.S.C. 1001], shall be eligible to participate in and receive appropriated funds under any program authorized by the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions.

(Nov. 2, 1921, ch. 115, 42 Stat. 208; Pub. L. 94–482, title IV, §410, Oct. 12, 1976, 90 Stat. 2233; Pub. L. 105–244, title I, §102(a)(8)(A), Oct. 7, 1998, 112 Stat. 1619.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in text, is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended, which is classified principally to chapter 28 (§1001 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

1998—Pub. L. 105–244, which directed substitution of ''101'' for ''1201'' in the last paragraph of ''section 410 of the Act entitled 'An Act authorizing appropriations and expenditures for the administration of Indian Affairs, and for other purposes', approved November 2, 1921 (25 U.S.C. 13) (commonly known as the Snyder Act)'', was executed to last paragraph of this section, which is the act of Nov. 2, 1921, ch. 115, commonly known as the Snyder Act, to reflect the probable intent of Congress. This section was amended by section 410 of Pub. L. 94–482 to add the last paragraph.

1976—Pub. L. 94–482 inserted provisions relating to postsecondary schools administered by the Secretary of the Interior for Indians.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244, see section 3 of Pub. L. 105–244, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–482 effective 30 days after Oct. 12, 1976, except either as specifically otherwise pro-

vided or, if not so specifically otherwise provided, effective July 1, 1976, for those amendments providing for authorization of appropriations, see section 532 of Pub. L. 94–482, set out as a note under section 1001 of Title 20, Education.

SHORT TITLE

Act Nov. 2, 1921, which enacted this section, is popularly known as the ''Snyder Act''.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

AVAILABILITY OF HOUSING IMPROVEMENT PROGRAM GRANT REPAYMENTS FOR PROGRAM OBLIGATIONS

Pub. L. 101–121, title I, Oct. 23, 1989, 103 Stat. 714, provided: ''That hereafter, notwithstanding any other provision of law, amounts collected from grantees by the Secretary as grant repayments required under the Secretary's regulations for the Housing Improvement Program shall be credited in the year collected and shall be available for obligation under the terms and conditions applicable to the Program under that year's appropriation''.

ALTERNATIVE METHODS FOR EQUITABLE DISTRIBUTION OF SUPPLEMENTAL PROGRAM FUNDS; DEVELOPMENT, PUBLICATION, ETC., OF FORMULA

Pub. L. 95–561, title XI, §1102, Nov. 1, 1978, 92 Stat. 2316, provided that:

''(a) The Secretary of the Interior shall develop alternative methods for the equitable distribution of any supplement program funds provided, pursuant to an appropriation under the Act of November 2, 1921, commonly referred to as the Snyder Act [this section], for contracting under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act [sections 452 to 457 of this title], and shall publish in the Federal Register by March 1, 1979, such alternatives for the purpose of allowing eligible tribes to comment by May 1, 1979. At that time, the Secretary shall conduct a field survey listing all alternative formula.

''(b) By July 1, 1979, the Secretary shall establish and publish the formula in the Federal Register which the majority of such tribes determine, but vote certified to the Secretary, to be most equitable and shall use such formula for purposes of distribution of the funds appropriated pursuant to such Act beginning on or after October 1, 1979. The Secretary shall, in accordance with procedures consistent with that prescribed herein, revise such formula periodically as necessary''.

PAYMENTS FOR BASIC EDUCATIONAL SUPPORT GRANTS OR CONTRACTS; AUTHORIZATION; TIME

Pub. L. 95–561, title XI, §1103(a), Nov. 1, 1978, 92 Stat. 2316, as amended by Pub. L. 96–46, §2(b)(1), Aug. 6, 1979, 93 Stat. 341, provided that payments for basic educational support grants or contracts for fiscal year 1978, including any fiscal year 1978 funds subsequently obligated in fiscal year 1979, were to be made under the authority of act Apr. 16, 1934, and set forth conditions, time, etc., for payments.

§ 13–1. Authorization of appropriations for funds for basic educational support through parent committees

Such sums as are needed under section 13 of this title are authorized to be appropriated to provide funds for basic educational support through parent committees under the Act of April 16, 1934 [25 U.S.C. 452 et seq.], to those public schools educating Indian students and whose total sum of Federal, State, and local funds is insufficient to bring the education of the enrolled Indian students to a level equal to the level of education provided non-Indian students in the public schools in which they are enrolled where the absence of such support would result in the closing of schools or the reduction in quality of the education program afforded Indian students attending public schools.

(Pub. L. 95–561, title XI, §1103(b), Nov. 1, 1978, 92 Stat. 2316.)

REFERENCES IN TEXT

Act of April 16, 1934, referred to in text, is act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended, popularly known as the Johnson-O'Malley Act, which is classified generally to section 452 et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 452 of this title and Tables.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 1530(a) of Pub. L. 95–561, set out as an Effective Date of 1978 Amendment note under section 1221e–3 of Title 20, Education.

§ 13a. Carryover funding

Notwithstanding any other provision of law, any funds appropriated pursuant to section 13 of this title, for any fiscal year which are not obligated or expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation or expenditures during such succeeding fiscal year. In the case of amounts made available to a tribal organization under a self-determination contract, if the funds are to be expended in the succeeding fiscal year for the purpose for which they were originally appropriated, contracted or granted, or for which they are authorized to be used pursuant to the provisions of section 450j–1(a)(3)[1] of this title, no additional justification or documentation of such purposes need be provided by the tribal organization to the Secretary as a condition of receiving or expending such funds.

(Pub. L. 93–638, §8, Jan. 4, 1975, 88 Stat. 2206; Pub. L. 100–472, title I, §105, Oct. 5, 1988, 102 Stat. 2287.)

REFERENCES IN TEXT

Section 450j–1(a)(3) of this title, referred to in text, was repealed and a new subsec. (a)(3) of section 450j–1 was added by Pub. L. 103–413, title I, §102(14)(C), Oct. 25, 1994, 108 Stat. 4257. See section 450j–1(a)(4) of this title.

AMENDMENTS

1988—Pub. L. 100–472 amended section generally. Prior to amendment, section read as follows: ''The provisions of any other laws to the contrary notwithstanding, any funds appropriated pursuant to section 13 of this title, for any fiscal year which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.''

[1] See References in Text note below.

§ 13b. Payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, and schools; payment of rewards

On and after October 12, 1984, funds appropriated under this or any other Act for the Bureau of Indian Affairs may be used for the payment in advance or from date or admission of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; and the payment of rewards for information or evidence concerning violations of law on Indian reservation lands or treaty fishing rights use areas.

(Pub. L. 98–473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1848.)

§ 13c. Source of funds to pay cost of lunches for nonboarding public school students

On and after October 12, 1984, any cost of providing lunches to nonboarding students in public schools from funds appropriated under this or any other Act for the Bureau of Indian Affairs shall be paid from the amount of such funds otherwise allocated for the schools involved without regard to the cost of providing lunches for such students.

(Pub. L. 98–473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1848.)

§ 13d. Limits on use of appropriated funds by Bureau for general or other welfare assistance

After September 30, 1985, no part of any appropriation (except trust funds) to the Bureau of Indian Affairs may be used directly or by contract for general or other welfare assistance (except child welfare assistance) payments (1) for other than essential needs (specifically identified in regulations of the Secretary or in regulations of the State public welfare agency pursuant to the Social Security Act [42 U.S.C. 301 et seq.] adopted by reference in the Secretary's regulations) which could not be reasonably expected to be met from financial resources or income (including funds held in trust) available to the recipient individual which are not exempted under law from consideration in determining eligibility for or the amount of Federal financial assistance or (2) for individuals who are eligible for general public welfare assistance available from a State except to the extent the Secretary of the Interior determines that such payments are required under sections 6(b)(2), 6(i), and 9(b) of the Maine Indian Claims Settlement Act of 1980 (94 Stat. 1793, 1794, 1796; 25 U.S.C. 1725(b)(2), 1725(i), 1728(b)).

(Pub. L. 98–473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1848.)

REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

§ 13d–1. Standards of need as basis for general assistance payments by Bureau of Indian Affairs; ratable reductions

General assistance payments made by the Bureau of Indian Affairs shall be made—

(1) after April 29, 1985, and before October 1, 1995, on the basis of Aid to Families with Dependent Children (AFDC) standards of need; and

(2) on and after October 1, 1995, on the basis of standards of need established under the State program funded under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.],

except that where a State ratably reduces its AFDC or State program payments, the Bureau shall reduce general assistance payments in such State by the same percentage as the State has reduced the AFDC or State program payment.

(Pub. L. 99–88, title I, § 100, Aug. 15, 1985, 99 Stat. 338; Pub. L. 104–193, title I, § 110(k), Aug. 22, 1996, 110 Stat. 2172.)

REFERENCES IN TEXT

The Social Security Act, referred to in par. (2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§ 601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

1996—Pub. L. 104–193, § 110(k), which directed the general amendment of the "4th proviso of chapter VII of title I of Public Law 99–88 (25 U.S.C. 13d–1)", was executed by amending this section, which is the 4th proviso under heading "BUREAU OF INDIAN AFFAIRS" of chapter VII of title I of Pub. L. 99–88, to reflect the probable intent of Congress. Prior to amendment, this section read as follows: "General assistance payments made by the Bureau of Indian Affairs after April 29, 1985, shall be made on the basis of Aid to Families with Dependent Children (AFDC) standards of need except where a State ratably reduces AFDC payments in which event the Bureau shall reduce general assistance payments in such State by the same percentage as the State has reduced the AFDC payment."

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104–193, as amended, set out as an Effective Date note under section 601 of Title 42, The Public Health and Welfare.

MAXIMUM ALLOWABLE PAYMENTS

Pub. L. 99–349, title I, July 2, 1986, 100 Stat. 732, provided in part: "That the levels established for general assistance by Public Law 99–88 (99 Stat. 388) [probably means Pub. L. 99–88, 99 Stat. 338, which enacted this section], are the maximum allowable payments."

§ 13d–2. Enrollment and general assistance payments

(a) In general

The Secretary of the Interior shall not disqualify from continued receipt of general assist-

ance payments from the Bureau of Indian Affairs an otherwise eligible Indian for whom the Bureau is making or may make general assistance payments (or exclude such an individual from continued consideration in determining the amount of general assistance payments for a household) because the individual is enrolled (and is making satisfactory progress toward completion of a program or training that can reasonably be expected to lead to gainful employment) for at least half-time study or training in—

(1) a college assisted by the Bureau under the Tribally Controlled College or University Assistance Act of 1978 (92 Stat. 1325; 25 U.S.C. 1801) or the Navajo Community College Act (85 Stat. 645; 25 U.S.C. 640a);

(2) an institution of higher education or a vocational school (as defined for purposes of any program of assistance to students under the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.]);

(3) a course the Secretary determines will lead to a high school diploma or an equivalent certificate; or

(4) other programs or training approved by the Secretary or by tribal education, employment or training programs.

(b) Factors not to be considered

In determining the amount of general assistance provided by the Bureau of Indian Affairs, the Secretary of the Interior shall not include consideration of—

(1) additional expenses in connection with the study or training described in subsection (a) of this section, and

(2) the amount of any financial assistance received by the individual as a student or trainee.

(c) No effect on other eligibility requirements

This section does not alter any eligibility requirement for general assistance from the Bureau of Indian Affairs other than the requirement to be available for employment and to seek employment.

(Pub. L. 100–297, title V, § 5404, Apr. 28, 1988, 102 Stat. 416; Pub. L. 105–244, title IX, § 901(d), Oct. 7, 1998, 112 Stat. 1828; Pub. L. 107–110, title X, § 1045, Jan. 8, 2002, 115 Stat. 2080.)

REFERENCES IN TEXT

The Tribally Controlled College or University Assistance Act of 1978, referred to in subsec. (a)(1), is Pub. L. 95–471, Oct. 17, 1978, 92 Stat. 1325, as amended, which is classified principally to chapter 20 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Navajo Community College Act, referred to in subsec. (a)(1), is Pub. L. 92–189, Dec. 15, 1971, 85 Stat. 646, as amended, which is classified to section 640a et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 640a of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (a)(2), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended, which is classified principally to chapter 28 (§ 1001 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–110, § 1045(1), added subsec. heading and introductory provisions and struck out former subsec. heading and introductory provisions. Former introductory provisions read as follows: ''The Secretary of the Interior shall not disqualify from continued receipt of general assistance payments from the Bureau of Indian Affairs an otherwise eligible Indian for whom the Bureau has been making general assistance payments for at least 3 months (or exclude such an individual from continued consideration in determining the amount of general assistance payments for a household) because the individual is enrolled (and is making satisfactory progress toward completion of a program or training that can reasonably be expected to lead to gainful employment) for at least half-time study or training in—''.

Subsec. (a)(4). Pub. L. 107–110, § 1045(2), added par. (4) and struck out former par. (4) which read as follows: ''other programs or training approved by the Secretary.''

1998—Subsec. (a)(1). Pub. L. 105–244 substituted ''Tribally Controlled College or University Assistance Act of 1978'' for ''Tribally Controlled Community College Assistance Act of 1978''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107–110, set out as an Effective Date note under section 6301 of Title 20, Education.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244, see section 3 of Pub. L. 105–244, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE

For effective date and applicability of section, see section 6303 of Pub. L. 100–297, set out as an Effective Date of 1988 Amendment note under section 1071 of Title 20, Education.

§ 13d–3. Tribal authority to change eligibility for, or amount of, general assistance payments

On and after October 21, 1998, notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated and, that any savings realized by such changes shall be available for use in meeting other priorities of the tribes and, that any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation.

(Pub. L. 105–277, div. A, § 101(e) [title I], Oct. 21, 1998, 112 Stat. 2681–231, 2681–246.)

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 105–83, title I, Nov. 14, 1997, 111 Stat. 1555.

Pub. L. 104–208, div. A, title I, § 101(d) [title I], Sept. 30, 1996, 110 Stat. 3009–181, 3009–193.

Pub. L. 104–134, title I, § 101(c) [title I], Apr. 26, 1996, 110 Stat. 1321–156, 1321–170; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 103–332, title I, Sept. 30, 1994, 108 Stat. 2512.

Pub. L. 103–138, title I, Nov. 11, 1993, 107 Stat. 1392.
Pub. L. 102–381, title I, Oct. 5, 1992, 106 Stat. 1389.

§ 13e. Expenses of exhibits; advance payments for services; termination of Federal supervision; treaty expenses

On and after October 12, 1984, such appropriations [appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund)] under this or any other act shall be available for: the expenses of exhibits; advance payments for services (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), the Act of August 3, 1956 (70 Stat. 896), as amended (25 U.S.C. 309 et seq.), and legislation terminating Federal supervision over certain tribes; and expenses required by continuing or permanent treaty provision.

(Pub. L. 98–473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1850.)

REFERENCES IN TEXT

Act of June 4, 1936, referred to in text, probably means act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended generally by act June 4, 1936, ch. 490, 49 Stat. 1458, known as the Johnson-O'Malley Act, which is classified generally to sections 452 to 457 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 452 of this title and Tables.

Act of August 3, 1956, referred to in text, probably means act Aug. 3, 1956, ch. 930, 70 Stat. 986, which is classified generally to section 309 et seq. of this title. For complete classification of this Act to the Code, see Tables.

§ 13f. Tribal priority allocations in Alaska

(a) Notwithstanding any other provision of law, with respect to amounts made available for tribal priority allocations in Alaska, such amounts on and after October 11, 2000, shall only be provided to tribes the membership of which on June 1 of the preceding fiscal year is composed of at least 25 individuals who are Natives (as such term is defined in section 1602(b) of title 43) who reside in the area generally known as the village for such tribe.

(b) Amounts that would have been made available for tribal priority allocations in Alaska but for the limitation contained in subsection (a) of this section shall be provided to the respective Alaska Native regional nonprofit corporation (as listed in section 103(a)(2) of Public Law 104–193,[1] 110 Stat. 2159) for the respective region in which a tribe subject to subsection (a) of this section is located, notwithstanding any resolution authorized under federal[2] law to the contrary.

(Pub. L. 106–291, title I, § 122, Oct. 11, 2000, 114 Stat. 944; Pub. L. 107–20, title II, § 2608, July 24, 2001, 115 Stat. 178.)

REFERENCES IN TEXT

Section 103(a)(2) of Public Law 104–193, 110 Stat. 2159, referred to in subsec. (b), enacted section 419 of act Aug. 14, 1935, ch. 531, which is classified to section 619 of Title 42, The Public Health and Welfare, and contains a listing of Alaska Native regional nonprofit corporations.

AMENDMENTS

2001—Subsec. (a). Pub. L. 107–20 inserted "on and after October 11, 2000," after "such amounts" and substituted "June 1 of the preceding fiscal year" for "June 1, 2000".

§ 14. Money accruing to Indians from Department of Veterans Affairs or other governmental agencies

Any money accruing from the Department of Veterans Affairs or other governmental agency to incompetent adult Indians, or minor Indians, who are recognized wards of the Federal Government, for whom no legal guardians or other fiduciaries have been appointed may be paid, in the discretion of the Secretary of Veterans Affairs, or other head of a governmental bureau or agency, having such funds for payment, to such superintendent or other bonded officer of the Indian Service as the Secretary of the Interior shall designate, for the use of such beneficiaries, or to be paid to or used for, the heirs of such deceased beneficiaries, to be handled and accounted for by him with other moneys under his control, in accordance with existing law and the regulations of the Department of the Interior.

(Feb. 25, 1933, ch. 124, 47 Stat. 907; Pub. L. 102–54, § 13(j)(1), June 13, 1991, 105 Stat. 276.)

AMENDMENTS

1991—Pub. L. 102–54 substituted "Department of Veterans Affairs" for "Veterans' Administration" and "Secretary of Veterans Affairs" for "Administrator of Veterans' Affairs".

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 14a. Deposit of grant funds received by Bureau from other Federal agencies

On and after October 12, 1984, moneys received by grant to the Bureau of Indian Affairs from other Federal agencies to carry out various programs for elementary and secondary education, handicapped programs, bilingual education, and other specific programs shall be deposited into the appropriation account available for the operation of Bureau schools during the period covered by the grant and shall remain available as otherwise provided by law.

(Pub. L. 98–473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1848.)

§ 14b. Disposition of funds received from public for goods and services provided by Bureau of Indian Affairs

The Secretary of the Interior is authorized to retain collections from the public in payment for goods and services provided by the Bureau of Indian Affairs. Such collections shall be credited to the appropriation account against which obli-

[1] See References in Text note below.
[2] So in original. Probably should be capitalized.

gations were incurred in providing such goods and services.

(Pub. L. 101–301, § 10, May 24, 1990, 104 Stat. 211.)

§ 15. Utility facilities used in administration of Bureau; contracts for sale, operation, maintenance, repair or relocation of facilities; terms and conditions; exception; Congressional approval

Except for electric utility systems constructed and operated as a part of an irrigation system, the Secretary of the Interior is authorized to contract under such terms and conditions as he considers to be in the best interest of the Federal Government for the sale, operation, maintenance, repairs, or relocation of Government-owned utilities and utility systems and appurtenances used in the administration of the Bureau of Indian Affairs. The Secretary shall not execute a contract pursuant to this section until he has submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a copy of the contract and a statement of his reasons for proposing the contract, and until such materials have lain before the Committees for sixty days (excluding the time during which either House is in recess for more than three days) unless prior thereto the Secretary is notified that neither committee has any objection to the proposed contract.

(Pub. L. 87–279, Sept. 22, 1961, 75 Stat. 577; Pub. L. 103–437, § 10(a), Nov. 2, 1994, 108 Stat. 4588.)

AMENDMENTS

1994—Pub. L. 103–437 substituted ''Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives'' for ''Committees on Interior and Insular Affairs of the Senate and the House of Representatives''.

§ 16. Transportation of Indians in Bureau vehicles

On and after October 12, 1984, passenger carrying motor vehicles of the Bureau of Indian Affairs may be used for the transportation of Indians.

(Pub. L. 98–473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1850.)

§ 17. Use of Bureau facilities

(a) In general

The Secretary of the Interior may permit tribal governments and organizations and student organizations to use Bureau of Indian Affairs equipment, land, buildings, and other structures if such use does not interfere with the purpose for which they are administered by the Bureau and when such use benefits Indians or Federal or federally funded programs. The Secretary may charge the user for the cost of the utilities and other expenses incurred for the use. The amounts collected shall be credited to the appropriation or fund from which the expenses are paid and shall be available until the end of the fiscal year following the fiscal year in which collected. The Secretary's decision to not permit a use under this section is final and shall not be subject to judicial review.

(b) Scope of authority

The authority provided by this section is in addition to, and not in derogation of, any other authority available to the Secretary of the Interior.

(c) Limitation of liability

The payment of any fee, or agreement to pay costs, to the Secretary shall not in any way or to any extent limit the right of the United States to rely upon sovereign immunity or any State or Federal statute limiting liability or damages from injuries sustained in connection with use under this section.

(Pub. L. 100–297, title V, § 5405, Apr. 28, 1988, 102 Stat. 417; Pub. L. 100–427, § 25, Sept. 9, 1988, 102 Stat. 1613.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–427, § 25(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The Secretary of the Interior may permit tribal, student, and other non-Federal organizations to use facilities, lands, and equipment administered by the Bureau of Indian Affairs if such use does not interfere with the purpose for which the facilities, land, and equipment are administered by the Bureau. The Secretary of the Interior may charge the user for the actual or estimated additional cost of utilities or other expenses incurred because of the use and the amounts collected shall be credited to the appropriation or fund from which the expenses are paid.''

Subsec. (c). Pub. L. 100–427, § 25(b), added subsec. (c).

EFFECTIVE DATE

For effective date and applicability of section, see section 6303 of Pub. L. 100–297, set out as an Effective Date of 1988 Amendment note under section 1071 of Title 20, Education.

CHAPTER 2—OFFICERS OF INDIAN AFFAIRS

Sec.
21 to 24. Repealed or Omitted.
25. Superintendent for Five Civilized Tribes.
25a. Application of civil service laws.
26 to 32. Repealed or Omitted.
33. Superintendents in charge of reservations; administration of oath of office.
34, 35. Repealed.
36. Special agents and other officers to administer oaths.
37 to 39. Repealed.
40. Limits of superintendencies, agencies, and subagencies.
41. Special agents and commissioners.
41a. Indian inspectors.
42. Repealed.
43. Persons paid for other services not paid for interpreting.
44. Employment of Indians.
45. Preference to Indians qualified for duties.
46. Preference to Indians in employment of clerical, mechanical, and other help.
47. Employment of Indian labor and purchase of products of Indian industry; participation in Mentor-Protege Program.
47a. Security required by Secretary; contracts with Indian-owned economic enterprise; public work.
48. Right of tribes to direct employment of persons engaged for them.
49 to 52a. Repealed.
53. Disbursing officers; acting clerks.
54, 55. Repealed.
56. Quarters, fuel, and light for employees.
57. Omitted.