has been corrected. In any hearing or appeal provided for under this section, the Secretary shall have the burden of proof to establish, by clearly demonstrating the validity of the grounds for rescinding, assuming, or reassuming the contract that is the subject of the hearing. Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970, as amended [29 U.S.C. 651 et seq.].

(Pub. L. 93–638, title I, § 109, Jan. 4, 1975, 88 Stat. 2212; Pub. L. 100–581, title II, § 211, Nov. 1, 1988, 102 Stat. 2941; Pub. L. 101–301, § 2(a)(10), May 24, 1990, 104 Stat. 207; Pub. L. 103–413, title I, § 104(1), Oct. 25, 1994, 108 Stat. 4268.)

REFERENCES IN TEXT

Sections 450g and 450h of this title, referred to in text, was in the original ''sections 103 and 104 of this Act'', meaning sections 103 and 104 of Pub. L. 93–638, the Indian Self-Determination Act. Section 103(a) and (b) and the first sentence of section 103(c) of Pub. L. 93–638 were repealed, and the remainder of section 103(c) of Pub. L. 93–638 was redesignated as section 102(d) of Pub. L. 93–638 (section 450f(d) of this title), by Pub. L. 100–472, title II, § 201(b)(1), Oct. 5, 1988, 102 Stat. 2289. Sections 104 and 105 of Pub. L. 93–638 were renumbered as sections 103 and 104, respectively, of Pub. L. 93–638 by sections 202(a) and 203(a) of Pub. L. 100–472, and are classified to sections 450h and 450i, respectively, of this title.

The Occupational Safety and Health Act of 1970, as amended, referred to in text, is Pub. L. 91–596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§ 651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

AMENDMENTS

1994—Pub. L. 103–413 inserted ''or in the management of trust fund, trust lands or interests in such lands pursuant to such contract or grant agreement,'' after ''pursuant to such contract or grant agreement,'' and '', in whole or in part,'' after ''rescind such contract or grant agreement'', substituted ''action as prescribed by the Secretary to remedy the contract deficiency, except that the appropriate Secretary may, upon written notice to a tribal organization, and the tribe served by the tribal organization, immediately rescind a contract or grant, in whole or in part, and resume control or operation of a program, activity, function, or service, if the Secretary finds that (i) there is an immediate threat of imminent harm to the safety of any person, or imminent substantial and irreparable harm to trust funds, trust lands, or interests in such lands, and (ii) such threat arises from the failure of the contractor to fulfill the requirements of the contract. In such cases, the Secretary'' for ''action as prescribed by him: *Provided*, That the appropriate Secretary may, upon notice to a tribal organization, immediately rescind a contract or grant and resume control or operation of a program, activity, or service if he finds that there is an immediate threat to safety and, in such cases, he'', struck out second period after ''the tribal organization may approve'', and inserted before last sentence ''In any hearing or appeal provided for under this section, the Secretary shall have the burden of proof to establish, by clearly demonstrating the validity of the grounds for rescinding, assuming, or reassuming the contract that is the subject of the hearing.''

1990—Pub. L. 101–301 substituted ''providing notice and a hearing'' for ''providing notice and hearing''.

1988—Pub. L. 100–581 inserted ''on the record'' after ''providing notice and hearing''.

Pub. L. 100–581 which directed amendment of this section by substituting ''in such cases, he shall provide the tribal organization with a hearing on the record within ten days or such later date as the tribal organization may approve.'' for ''in such cases, he shall hold a hearing within ten days thereof'' was executed by substituting the new language for ''in such cases, he shall hold a hearing on such action within ten days thereof'' to reflect the probable intent of Congress.

§ 450m–1. Contract disputes and claims

(a) Civil actions; concurrent jurisdiction; relief

The United States district courts shall have original jurisdiction over any civil action or claim against the appropriate Secretary arising under this subchapter and, subject to the provisions of subsection (d) of this section and concurrent with the United States Court of Claims, over any civil action or claim against the Secretary for money damages arising under contracts authorized by this subchapter. In an action brought under this paragraph, the district courts may order appropriate relief including money damages, injunctive relief against any action by an officer of the United States or any agency thereof contrary to this subchapter or regulations promulgated thereunder, or mandamus to compel an officer or employee of the United States, or any agency thereof, to perform a duty provided under this subchapter or regulations promulgated hereunder (including immediate injunctive relief to reverse a declination finding under section 450f(a)(2) of this title or to compel the Secretary to award and fund an approved self-determination contract).

(b) Revision of contracts

The Secretary shall not revise or amend a self-determination contract with a tribal organization without the tribal organization's consent.

(c) Application of laws to administrative appeals

The Equal Access to Justice Act (Publc[1] Law 96–481, Act of October 1,[1] 1980; 92[1] Stat. 2325, as amended), section 504 of title 5, and section 2412 of title 28 shall apply to administrative appeals pending on or filed after October 5, 1988, by tribal organizations regarding self-determination contracts.

(d) Application of Contract Disputes Act

The Contract Disputes Act (Public Law 95–563, Act of November 1, 1978; 92 Stat. 2383, as amended) [41 U.S.C. 601 et seq.] shall apply to self-determination contracts, except that all administrative appeals relating to such contracts shall be heard by the Interior Board of Contract Appeals established pursuant to section 8 of such Act (41 U.S.C. 607).

(e) Application of subsection (d)

Subsection (d) of this section shall apply to any case pending or commenced on or after March 17, 1986, before the Boards of Contract Appeals of the Department of the Interior or the Department of Health and Human Services except that in any such cases finally disposed of before October 5, 1988, the thirty-day period referred to in section 504(a)(2) of title 5 shall be deemed to commence on October 5, 1988.

(Pub. L. 93–638, title I, § 110, as added Pub. L. 100–472, title II, § 206(a), Oct. 5, 1988, 102 Stat.

[1] So in original. Probably should be ''Public'', ''21,'', and ''94'', respectively.

2294; amended Pub. L. 100–581, title II, § 212, Nov. 1, 1988, 102 Stat. 2941; Pub. L. 101–301, §§ 1(a)(2), 2(b), May 24, 1990, 104 Stat. 206, 207; Pub. L. 103–413, title I, § 104(2), (3), Oct. 25, 1994, 108 Stat. 4268.)

REFERENCES IN TEXT

The Equal Access to Justice Act, referred to in subsec. (c), is Pub. L. 96–481, title II, Oct. 21, 1980, 94 Stat. 2325. For complete classification of this Act to the Code, see Short Title note set out under section 504 of Title 5, Government Organization and Employees, and Tables.

The Contract Disputes Act of 1978, referred to in subsec. (d), is Pub. L. 95–563, Nov. 1, 1978, 92 Stat. 2383, as amended, which is classified principally to chapter 9 (§ 601 et seq.) of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 41 and Tables.

October 5, 1988, referred to in subsec. (e), was in the original ''the date of enactment of these amendments'' and ''the date of enactment of this subsection'', meaning the date of enactment of the Indian Self-Determination and Education Assistance Act Amendments of 1988, Pub. L. 100–472, which enacted this section.

PRIOR PROVISIONS

A prior section 110 of Pub. L. 93–638 was renumbered section 111 by Pub. L. 100–472 and is classified to section 450n of this title.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–413, § 104(2), inserted before period at end ''(including immediate injunctive relief to reverse a declination finding under section 450f(a)(2) of this title or to compel the Secretary to award and fund an approved self-determination contract)''.

Subsec. (d). Pub. L. 103–413, § 104(3), inserted before period at end '', except that all administrative appeals relating to such contracts shall be heard by the Interior Board of Contract Appeals established pursuant to section 8 of such Act (41 U.S.C. 607)''.

1990—Subsec. (a). Pub. L. 101–301, § 1(a)(2), made technical correction to directory language of Pub. L. 100–581, § 212(a). See 1988 Amendment note below.

Subsec. (b). Pub. L. 101–301, § 2(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''Unless otherwise agreed to by the resolution of tribal organization, the Secretary shall not revise or amend a self-determination contract with such tribal organization.''

Subsec. (c). Pub. L. 101–301, § 1(a)(2), made technical correction to directory language of Pub. L. 100–581, § 212(c). See 1988 Amendment note below.

1988—Subsec. (a). Pub. L. 100–581, § 212(a), as amended by Pub. L. 101–301, § 1(a)(2), substituted ''over any civil action'' for ''over civil action'' after ''Court of Claims,''.

Subsec. (b). Pub. L. 100–581, § 212(b), substituted ''of tribal organization'' for ''of an Indian tribe'' and ''such tribal organization'' for ''such tribe''.

Subsec. (c). Pub. L. 100–581, § 212(c), as amended by Pub. L. 101–301, § 1(a)(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''The Equal Access to Justice Act (Public Law 96–481, Act of October 1 [21], 1980; 94 Stat. 2325, as amended) shall apply to administrative appeals by tribal organizations regarding self-determination contracts.''

§ 450n. Sovereign immunity and trusteeship rights unaffected

Nothing in this subchapter shall be construed as—

(1) affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by an Indian tribe; or

(2) authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

(Pub. L. 93–638, title I, § 111, formerly § 110, Jan. 4, 1975, 88 Stat. 2213; renumbered § 111, Pub. L. 100–472, title II, § 206(b), Oct. 5, 1988, 102 Stat. 2295.)

PART B—CONTRACTS WITH STATES

CODIFICATION

This part, consisting of sections 451 to 457 of this title, which was previously set out as part of former subchapter III of this chapter, was not enacted as part of the Indian Self-Determination and Education Assistance Act which comprises this subchapter.

§ 451. Donations for Indians; use of gifts; annual report to Congress

The Secretary of the Interior may accept donations of funds or other property for the advancement of the Indian race, and he may use the donated property in accordance with the terms of the donation in furtherance of any program authorized by other provision of law for the benefit of Indians. An annual report shall be made to the Congress on donations received and allocations made from such donations. This report shall include administrative costs and other pertinent data.

(Feb. 14, 1931, ch. 171, 46 Stat. 1106; Pub. L. 90–333, June 8, 1968, 82 Stat. 171.)

CODIFICATION

Section was not enacted as part of the Johnson-O'Malley Act which comprises this part, nor as part of the Indian Self-Determination and Education Assistance Act which comprises this subchapter.

AMENDMENTS

1968—Pub. L. 90–333 expanded area of permissible uses to which Secretary may put donated property by substituting provisions allowing inclusion of programs otherwise authorized by law intended to benefit Indians for provisions limiting permissible uses to programs otherwise authorized by law only if it could be shown that property would benefit a particular Indian institution or individual, and inserted provisions for an annual report to Congress on donations received and allocations made from such donations.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to making an annual report to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 113 of House Document No. 103–7.

§ 452. Contracts for education, medical attention, relief and social welfare of Indians

The Secretary of the Interior is authorized, in his discretion, to enter into a contract or contracts with any State or Territory, or political subdivision thereof, or with any State university, college, or school, or with any appropriate State or private corporation, agency, or institution, for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, through the agencies of the State or Territory or of the corporations and organizations