

age, law enforcement, or other public services on terms and conditions deemed advantageous to the tribe and individual Indian landowners.

(Pub. L. 89-715, §8, Nov. 2, 1966, 80 Stat. 1113.)

§ 416h. Zoning, building, and sanitary regulations

The Papago Council and the Salt River Pima-Maricopa Community Council, with the consent of the Secretary of the Interior, are hereby authorized, for their respective reservations, to enact zoning, building, and sanitary regulations covering the lands on their reservations for which leasing authority is granted by sections 416 to 416j of this title in the absence of State civil and criminal jurisdiction over such particular lands, and said councils may contract with local municipalities for assistance in preparing such regulations.

(Pub. L. 89-715, §9, Nov. 2, 1966, 80 Stat. 1113.)

§ 416i. Restrictions

Nothing contained in sections 416 to 416j of this title shall—

- (a) authorize the alienation, encumbrance, or taxation of any interest in real or personal property, including water rights, held in trust by the United States or held by an individual Indian, the Papago Tribe or the Salt River Pima-Maricopa Community subject to a restriction against alienation imposed by the United States, or any income therefrom: *Provided*, That the foregoing shall not affect the power to lease as provided in section 416 of this title or the power to dedicate as provided in section 416f of this title and shall not affect or abridge any right of the State of Arizona or its political subdivisions to tax non-Indian leasehold and possessory interests, buildings, improvements and personal property located on the San Xavier and Salt River Pima-Maricopa Reservations and not owned by Papago or Pima-Maricopa Indians residing thereon;
- (b) confer jurisdiction on the State of Arizona to adjudicate in probate proceedings or otherwise the ownership or right to possession of trust or restricted property or any interests therein;
- (c) alter or abridge in any way the authority of public school districts to include areas within the San Xavier and Salt River Pima-Maricopa Reservation;
- (d) be construed to repeal any authority to lease or mortgage trust or restricted Indian lands conferred by or pursuant to any other provision of law.

(Pub. L. 89-715, §10, Nov. 2, 1966, 80 Stat. 1113.)

§ 416j. Mission San Xavier del Bac

Nothing in sections 416 to 416j of this title shall authorize the Secretary to approve any development which would detract from the scenic, historic, and religious values of the Mission San Xavier del Bac owned by the Franciscan Order of Friars Minor and located on the San Xavier Reservation.

(Pub. L. 89-715, §11, Nov. 2, 1966, 80 Stat. 1114.)

CHAPTER 13—CEDED INDIAN LANDS

§§ 421 to 427. Transferred

CODIFICATION

Section 421, act May 17, 1900, ch. 479, §1, 31 Stat. 179, which provided for free homesteads to settlers, commutation rights, and payments to Indians, was transferred to section 179 of Title 43, Public Lands.

Section 422, act Jan. 26, 1901, ch. 180, 31 Stat. 740, which related to right of settlers to commute entry, was transferred to section 180 of Title 43.

Section 423, act May 22, 1902, ch. 821, §2, 32 Stat. 203, which related to second homestead entry by certain settlers, was transferred to section 187b of Title 43.

Section 424, act Mar. 3, 1901, ch. 832, §1, 31 Stat. 1077, which related to negotiations for cession of lands, was transferred to section 1195 of Title 43.

Section 425, act June 6, 1912, ch. 155, 37 Stat. 125, which related to classification and appraisal of unallotted and unreserved lands, was transferred to section 1196 of Title 43.

Section 426, act Mar. 3, 1891, ch. 561, §10, 26 Stat. 1099, which provided that act Mar. 3, 1891, ch. 561, not affect agreements with any Indian tribe to dispose of land, was transferred to section 1197 of Title 43.

Section 427, act Feb. 9, 1903, ch. 531, 32 Stat. 820, which extended town-site laws to ceded lands in Minnesota, was transferred to section 731 of Title 43.

CHAPTER 14—MISCELLANEOUS

SUBCHAPTER I—GENERAL PROVISIONS

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| Sec. | |
| 441. | Repealed. |
| 442. | Livestock loans; cash settlements. |
| 443. | Disposition of cash settlements. |
| 443a. | Conveyance to Indian tribes of federally owned buildings, improvements, or facilities; disposition of property by Indians; forfeiture; "Indian" defined. |
| 443b. | Indian goods and supplies. |
| 444 to 449. | Repealed. |

SUBCHAPTER II—INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE

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| 450. | Congressional statement of findings. |
| | (a) Findings respecting historical and special legal relationship, and resultant responsibilities. |
| | (b) Further findings. |
| 450a. | Congressional declaration of policy. |
| | (a) Recognition of obligation of United States. |
| | (b) Declaration of commitment. |
| | (c) Declaration of national goal. |
| 450a-1. | Tribal and Federal advisory committees. |
| 450b. | Definitions. |
| 450c. | Reporting and audit requirements for recipients of Federal financial assistance. |
| | (a) Maintenance of records. |
| | (b) Access to books, documents, papers, and records for audit and examination by Comptroller General, etc. |
| | (c) Availability by recipient of required reports and information to Indian people served or represented. |
| | (d) Repayment to Treasury by recipient of unexpended or unused funds. |
| | (e) Annual report to tribes. |
| | (f) Single-agency audit report; additional information; declination criteria and procedures. |
| 450d. | Criminal activities involving grants, contracts, etc.; penalties. |

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| Sec.
450e. | Wage and labor standards.
(a) Similar construction in locality.
(b) Preference requirements for wages and grants.
(c) Self-determination contracts. | Sec. | (b) Payments; transfer of funds by Treasury for disbursement by tribal organization; accountability for interest accrued prior to disbursement.
(c) Term of self-determination contracts; annual renegotiation.
(d) Calendar year basis for contracts.
(e) Effective date for retrocession of contract.
(f) Use of existing school buildings, hospitals, and other facilities and equipment therein; acquisition and donation of excess or surplus Government personal property.
(g) Performance of personal services.
(h) Fair and uniform provision by tribal organization of services and assistance to covered Indians.
(i) Division of administration of program.
(j) Proposal to redesign program, activity, function, or service.
(k) Access to Federal sources of supply.
(l) Lease of facility used for administration and delivery of services.
(m) Statutory requirements; technical assistance; precontract negotiation phase; fixed price construction contract.
(n) Rental rates for housing for Government employees in Alaska.
(o) Patient records. |
| 450e-1.
450e-2.
450e-3. | Grant and cooperative agreements.
Use of excess funds.
Investment of advance payments; restrictions. | | Contract funding and indirect costs.
(a) Amount of funds provided.
(b) Reductions and increases in amount of funds provided.
(c) Annual reports.
(d) Treatment of shortfalls in indirect cost recoveries.
(e) Liability for indebtedness incurred before fiscal year 1992.
(f) Limitation on remedies relating to cost disallowances.
(g) Addition to contract of full amount contractor entitled; adjustment.
(h) Indirect costs for contracts for construction programs.
(i) Indian Health Service and Bureau of Indian Affairs budget consultations.
(j) Use of funds for matching or cost participation requirements.
(k) Allowable uses of funds without approval of Secretary.
(l) Suspension, withholding, or delay in payment of funds.
(m) Use of program income earned.
(n) Reduction of administrative or other responsibilities of Secretary; use of savings.
(o) Rebudgeting by tribal organization. |
| | PART A—INDIAN SELF-DETERMINATION | | |
| 450f. | Self-determination contracts.
(a) Request by tribe; authorized programs.
(b) Procedure upon refusal of request to contract.
(c) Liability insurance; waiver of defense.
(d) Tribal organizations and Indian contractors deemed part of Public Health Service.
(e) Burden of proof at hearing or appeal declining contract; final agency action. | 450j-1. | Indian Health Service: availability of funds for Indian self-determination or self-governance contract or grant support costs. |
| 450g.
450h. | Repealed or Transferred.
Grants to tribal organizations or tribes.
(a) Request by tribe for contract or grant by Secretary of the Interior for improving, etc., tribal governmental, contracting, and program planning activities.
(b) Grants by Secretary of Health and Human Services for development, maintenance, etc., of health facilities or services and improvement of contract capabilities implementing hospital and health facility functions.
(c) Use as matching shares for other similar Federal grant programs.
(d) Technical assistance.
(e) Grants for technical assistance and for planning, etc., Federal programs for tribe. | | |
| 450i. | Retention of Federal employee coverage, rights and benefits by employees of tribal organizations.
(a) to (d) Omitted.
(e) Eligible employees; Federal employee programs subject to retention.
(f) Deposit by tribal organization of employee deductions and agency contributions in appropriate funds.
(g) Election for retention by employee and tribal organization before date of employment by tribal organization; transfer of employee to another tribal organization.
(h) "Employee" defined.
(i) Promulgation of implementation regulations by President.
(j) Additional employee employment rights.
(k), (l) Omitted.
(m) Conversion to career appointment. | | |
| 450j. | Contract or grant provisions and administration.
(a) Applicability of Federal contracting laws and regulations; waiver of requirements. | | |