

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.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, meaning Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, known as the Indian Self-Determination and Education Assistance Act, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

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 sub-

stituting 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 hereinbefore named, and to expend under such contract or contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory.

(Apr. 16, 1934, ch. 147, §1, 48 Stat. 596; June 4, 1936, ch. 490, §1, 49 Stat. 1458.)

AMENDMENTS

1936—Act June 4, 1936, substituted “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”, “through the agencies of the State or Territory or of the corporations and organizations hereinbefore named,” and “such State or Territory” for “any State or Territory having legal authority so to do,” “through the qualified agencies of such State or Territory,” and “such State”, respectively.

SHORT TITLE

Act April 16, 1934, ch. 147, 48 Stat. 596, which enacted sections 452 to 457 of this title, is popularly known as the “Johnson-O'Malley Act”.

DISTRIBUTION OF PUBLIC SCHOOL ASSISTANCE

Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1795, provided that: “notwithstanding any other provision of law, the amounts available for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be distributed on the basis of the formula recommended by the Assistant Secretary of Indian Affairs in a letter to the Committees on Appropriations dated June 27, 1988, except that for the fiscal year ending September 30, 1989, the minimum weight factor shall be 1.1 rather than 1.3 and for the fiscal year ending September 30, 1990, the minimum weight factor shall be 1.2 rather than 1.3”.

Similar provisions were contained in the following prior appropriation act:

Pub. L. 100-202, §101(g) [title I], Dec. 22, 1987, 101 Stat. 1329-213, 1329-228.

LIMITATION ON CONTRACT AUTHORITY

Pub. L. 99-190, §101(d) [title I], Dec. 19, 1985, 99 Stat. 1224, 1235, provided that: “notwithstanding any law or

regulation, in allocating funds for aid to public schools under the Act of April 16, 1934, as amended [sections 452 to 457 of this title], the Secretary shall enter into contracts only for the provision of supplementary educational services for Indian children”.

§ 453. Use of Government property by States and Territories

The Secretary of the Interior, in making any contract authorized by sections 452 to 457 of this title, may permit such contracting party to utilize, for the purposes of said sections, existing school buildings, hospitals, and other facilities, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

(Apr. 16, 1934, ch. 147, § 2, 48 Stat. 596; June 4, 1936, ch. 490, § 2, 49 Stat. 1459.)

AMENDMENTS

1936—Act June 4, 1936, substituted “, may permit such contracting party” for “with any State or Territory, may permit such State or Territory”.

§ 454. Rules and regulations; minimum standards of service

The Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations, including minimum standards of service, as may be necessary and proper for the purpose of carrying the provisions of sections 452 to 457 of this title into effect: *Provided*, That such minimum standards of service are not less than the highest maintained by the States or Territories within which said contract or contracts, as herein provided, are to be effective.

(Apr. 16, 1934, ch. 147, § 3, 48 Stat. 596; June 4, 1936, ch. 490, § 3, 49 Stat. 1459.)

AMENDMENTS

1936—Act June 4, 1936, substituted “within which” for “with which”.

§ 455. Contracts for education in public schools; submission of education plan by contractor as prerequisite; criteria for approval of plan by Secretary of the Interior; participation by non-Indian students

The Secretary of the Interior shall not enter into any contract for the education of Indians unless the prospective contractor has submitted to, and has had approved by the Secretary of the Interior, an education plan, which plan, in the determination of the Secretary, contains educational objectives which adequately address the educational needs of the Indian students who are to be beneficiaries of the contract and assures that the contract is capable of meeting such objectives: *Provided*, That where students other than Indian students participate in such programs, money expended under such contract shall be prorated to cover the participation of only the Indian students.

(Apr. 16, 1934, ch. 147, § 4, as added Pub. L. 93-638, title II, § 202, Jan. 4, 1975, 88 Stat. 2213.)

PRIOR PROVISIONS

A prior section 4 of act Apr. 16, 1934, ch. 147, 48 Stat. 596; June 4, 1936, ch. 490, 49 Stat. 1458, directed Sec-

retary of the Interior to report to Congress any contracts made under provisions of sections 452 to 454 of this title, prior to repeal by Pub. L. 86-533, § 1(15), June 29, 1960, 74 Stat. 248.

§ 456. Local committee of Indian parents in school districts having school boards composed of non-Indian majority

(a) Election; functions

Whenever a school district affected by a contract or contracts for the education of Indians pursuant to sections 452 to 457 of this title has a local school board not composed of a majority of Indians, the parents of the Indian children enrolled in the school or schools affected by such contract or contracts shall elect a local committee from among their number. Such committee shall fully participate in the development of, and shall have the authority to approve or disapprove programs to be conducted under such contract or contracts, and shall carry out such other duties, and be so structured, as the Secretary of the Interior shall by regulation provide: *Provided, however*, That, whenever a local Indian committee or committees established pursuant to section 7424(c)(4) of title 20 or an Indian advisory school board or boards established pursuant to sections 452 to 457 of this title prior to January 4, 1975, exists in such school district, such committee or board may, in the discretion of the affected tribal governing body or bodies, be utilized for the purposes of this section.

(b) Revocation of contracts

The Secretary of the Interior may, in his discretion, revoke any contract if the contractor fails to permit a local committee to perform its duties pursuant to subsection (a) of this section.

(Apr. 16, 1934, ch. 147, § 5, as added Pub. L. 93-638, title II, § 202, Jan. 4, 1975, 88 Stat. 2213; amended Pub. L. 103-382, title III, § 393(d), Oct. 20, 1994, 108 Stat. 4027; Pub. L. 107-110, title VII, § 702(e), Jan. 8, 2002, 115 Stat. 1947.)

PRIOR PROVISIONS

A prior section 5 of act Apr. 16, 1934, ch. 147, 48 Stat. 596, excluded Oklahoma from the application of contract provisions, and was omitted by act June 4, 1936, ch. 490, 49 Stat. 1458.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-110 substituted reference to section 7424(c)(4) of title 20 for reference to section 7814(c)(4) of title 20.

1994—Subsec. (a). Pub. L. 103-382 substituted reference to section 7814(c)(4) of title 20 for reference to section 241dd(b)(2)(B)(ii) of title 20.

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.

§ 457. Reimbursement to school districts for educating non-resident students

Any school district educating Indian students who are members of recognized Indian tribes, who do not normally reside in the State in which such school district is located, and who are residing in Federal boarding facilities for