

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

§ 2985c-1. Repealed. Pub. L. 95-568, § 14(k), Nov. 2, 1978, 92 Stat. 2438

Section, Pub. L. 88-452, title VII, §745, formerly §744(b), as added Pub. L. 93-644, §10(a), Jan. 4, 1975, 88 Stat. 2322; renumbered §745 and amended Pub. L. 94-341, §2(b)(15), (17)(C), July 6, 1976, 90 Stat. 806, set forth provisions relating to report by Director on availability and effectiveness of Federal agency programs.

§§ 2985d to 2985g. Repealed. Pub. L. 97-35, title VI, § 683(a), Aug. 13, 1981, 95 Stat. 519

Section 2985d, Pub. L. 88-452, title VII, §745, as added Pub. L. 93-644, §10(a), Jan. 4, 1975, 88 Stat. 2322; renumbered §746, Pub. L. 94-341, §2(b)(16), July 6, 1976, 90 Stat. 806; renumbered §745, Pub. L. 95-568, §14(k), Nov. 2, 1978, 92 Stat. 2438, related to coordination and eligibility.

Section 2985e, Pub. L. 88-452, title VII, §746, as added Pub. L. 93-644, §10(a), Jan. 4, 1975, 88 Stat. 2322; renumbered §747, Pub. L. 94-341, §2(b)(16), July 6, 1976, 90 Stat. 806; renumbered §746 and amended Pub. L. 95-568, §14(k), (l), Nov. 2, 1978, 92 Stat. 2438, 2439, related to evaluation, research, and demonstration.

Section 2985f, Pub. L. 88-452, title VII, §747, as added Pub. L. 93-644, §10(a), Jan. 4, 1975, 88 Stat. 2323; renumbered §748, Pub. L. 94-341, §2(b)(16), July 6, 1976, 90 Stat. 806; renumbered §747, Pub. L. 95-568, §14(k), Nov. 2, 1978, 92 Stat. 2438, related to program planning grants.

Section 2985g, Pub. L. 88-452, title VII, §748, as added Pub. L. 93-644, §10(a), Jan. 4, 1975, 88 Stat. 2323; renumbered §749, Pub. L. 94-341, §2(16), July 6, 1976, 90 Stat. 806; renumbered §748, Pub. L. 95-568, §14(k), Nov. 2, 1978, 92 Stat. 2438, set forth nondiscrimination provisions.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 9912(a) of this title, prior to the general amendment of chapter 106 (§9901 et seq.) of this title by Pub. L. 105-285.

SUBCHAPTER VIII—NATIVE AMERICAN PROGRAMS

§ 2991. Short title

This subchapter may be cited as the “Native American Programs Act of 1974”.

(Pub. L. 88-452, title VIII, §801, as added Pub. L. 93-644, §11, Jan. 4, 1975, 88 Stat. 2323.)

PRIOR PROVISIONS

A prior section 2991, Pub. L. 88-452, title VIII, §801, as added Pub. L. 89-794, title VIII, §801, Nov. 8, 1966, 80 Stat. 1472; amended Pub. L. 90-222, title I, §110, Dec. 23, 1967, 81 Stat. 722; Pub. L. 92-424, §26(a), Sept. 19, 1972, 86 Stat. 703, related to Congressional statement of purpose, prior to repeal by Pub. L. 93-113, title VI, §603, Oct. 1, 1973, 87 Stat. 417. See section 4951 of this title.

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-394, §1, Dec. 14, 2006, 120 Stat. 2705, provided that: “This Act [amending sections 2991b-3, 2992c, and 2992d of this title] may be cited as the ‘Esther Martinez Native American Languages Preservation Act of 2006’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-361, §1, Nov. 10, 1998, 112 Stat. 3278, provided that: “This Act [amending sections 2991b-1 and 2992d of this title] may be cited as the ‘Native American Programs Act Amendments of 1998’.”

SHORT TITLE OF 1992 AMENDMENTS

Pub. L. 102-524, §1, Oct. 26, 1992, 106 Stat. 3434, provided that: “This Act [enacting section 2991b-3 of this

title and amending section 2992d of this title], other than section 4 [enacting provisions set out as a note under section 2001 of Title 25, Indians], may be cited as the ‘Native American Languages Act of 1992’.”

Pub. L. 102-375, title VIII, §821, Sept. 30, 1992, 106 Stat. 1295, provided that: “This subtitle [subtitle C (§§821, 822) of title VIII of Pub. L. 102-375, enacting sections 2991b-2, 2991c, 2992-1, 2992a-1, and 2992b of this title, amending sections 2991a to 2991b-1, 2991d to 2992, 2992c, and 2992d of this title, and repealing former sections 2991c and 2992b of this title] may be cited as the ‘Native American Programs Act Amendments of 1992’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-408, §1, Oct. 4, 1990, 104 Stat. 883, provided that: “This Act [amending sections 2991b and 2992d of this title] may be cited as the ‘Indian Environmental Regulatory Enhancement Act of 1990’.”

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-175, title V, §501, Nov. 29, 1987, 101 Stat. 973, provided that: “This title [enacting sections 2991b-1, 2991d-1 and 2992b-1 of this title and amending sections 2991a, 2991b, 2991d-1, 2991f, 2992c, and 2992d of this title] may be cited as the ‘Native American Programs Act Amendments of 1987’.”

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-558, title X, §1001, Oct. 30, 1984, 98 Stat. 2905, provided that: “This title [amending sections 2991b, 2992b to 2992d of this title] may be cited as the ‘Native American Programs Act Amendments of 1984’.”

§ 2991a. Congressional statement of purpose

The purpose of this subchapter is to promote the goal of economic and social self-sufficiency for American Indians, Native Hawaiians, other Native American Pacific Islanders (including American Samoan Natives), and Alaska Natives.

(Pub. L. 88-452, title VIII, §802, as added Pub. L. 93-644, §11, Jan. 4, 1975, 88 Stat. 2324; amended Pub. L. 100-175, title V, §§504(b)(1), 506(c)(1), Nov. 29, 1987, 101 Stat. 975, 978; Pub. L. 102-375, title VIII, §822(21), Sept. 30, 1992, 106 Stat. 1300; Pub. L. 103-171, §5(1), Dec. 2, 1993, 107 Stat. 1991.)

PRIOR PROVISIONS

A prior section 2991a, Pub. L. 88-452, title VIII, §802, as added Pub. L. 89-794, title VIII, §801, Nov. 8, 1966, 80 Stat. 1473, covered recruitment, selection, training, referral, and assignment of volunteers and consent of Governors of States in which these activities were conducted, prior to the general amendment of this subchapter by Pub. L. 90-222, title I, §110, Dec. 23, 1967, 81 Stat. 722.

AMENDMENTS

1993—Pub. L. 103-171 substituted “Alaska” for “Alaskan”.

1992—Pub. L. 102-375, which directed the substitution of “Alaska Native” for “Alaskan Native”, could not be executed because the words “Alaskan Native” did not appear.

1987—Pub. L. 100-175, §506(c)(1), substituted “Native Hawaiians” for “Hawaiian Natives”.

Pub. L. 100-175, §504(b)(1), inserted “, other Native American Pacific Islanders (including American Samoan Natives),” after “Hawaiian Natives”.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by section 504(b)(1) of Pub. L. 100-175 effective Oct. 1, 1987, and amendment by section 506(c)(1) of Pub. L. 100-175 effective upon expiration of 90-day period beginning Nov. 29, 1987, see section 701(a), (c) of

Pub. L. 100-175, set out as a note under section 3001 of this title.

ALASKA FEDERATION OF NATIVES' STUDY AND REPORT WITH PROPOSALS TO IMPLEMENT RECOMMENDATIONS OF ALASKA NATIVES COMMISSION

Pub. L. 104-270, Oct. 9, 1996, 110 Stat. 3301, provided that:

“SECTION 1. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY.

“The Congress finds and declares the following:

“(1) The Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives (hereafter in this Act referred to as the ‘Alaska Natives Commission’) was established by Public Law 101-379 (42 U.S.C. 2991a note) following the publication in 1989 of the ‘Report on the Status of Alaska Natives: A Call for Action’ by the Alaska Federation of Natives and after extensive congressional hearings which focused on the need for the first comprehensive assessment of the social, cultural, and economic condition of Alaska’s 86,000 Natives since the enactment of the Alaska Native Claims Settlement Act, Public Law 92-203 [43 U.S.C. 1601 et seq.].

“(2) The 14-member Alaska Natives Commission held 15 regional hearings throughout Alaska between July 1992 and October 1993, and 2 statewide hearings in Anchorage coinciding with the Conventions of 1992 and 1993 of the Alaska Federation of Natives. In May 1994, the Alaska Natives Commission issued its 3 volume, 440 page report. As required by Public Law 101-379, the report was formally conveyed to the Congress, the President of the United States, and the Governor of Alaska.

“(3) The Alaska Natives Commission found that many Alaska Native individuals, families, and communities were experiencing a social, cultural, and economic crisis marked by rampant unemployment, lack of economic opportunity, alcohol abuse, depression, and morbidity and mortality rates that have been described by health care professionals as ‘staggering’.

“(4) The Alaska Natives Commission found that due to the high rate of unemployment and lack of economic opportunities for Alaska Natives, government programs for the poor have become the foundation of many village economies. Displacing traditional Alaska Native social safety nets, these well-meaning programs have undermined the healthy interdependence and self-sufficiency of Native tribes and families and have put Native tribes and families at risk of becoming permanent dependencies of Government.

“(5) Despite these seemingly insurmountable problems, the Alaska Natives Commission found that Alaska Natives, building on the Alaska Native Claims Settlement Act, had begun a unique process of critical self-examination which, if supported by the United States Congress through innovative legislation, and effective public administration at all levels including traditional Native governance, could provide the basis for an Alaska Native social, cultural, economic, and spiritual renewal.

“(6) The Alaska Natives Commission recognized that the key to the future well-being of Alaska Natives lay in—

“(A) the systematic resumption of responsibility by Alaska Natives for the well-being of their members,

“(B) the strengthening of their economies,

“(C) the strengthening, operation, and control of their systems of governance, social services, education, health care, and law enforcement, and

“(D) exercising rights they have from their special relationship with the Federal Government and as citizens of the United States and Alaska.

“(7) The Alaska Natives Commission recognized that the following 3 basic principles must be respected in addressing the myriad of problems facing Alaska Natives:

“(A) Self-reliance.

“(B) Self-determination.

“(C) Integrity of Native cultures.

“(8) There is a need to address the problems confronting Alaska Natives. This should be done rapidly, with certainty, and in conformity with the real economic, social, and cultural needs of Alaska Natives.

“(9) Congress retains and has exercised its constitutional authority over Native affairs in Alaska subsequent to the Treaty of Cession and does so now through this Act.

“SEC. 2. ALASKA NATIVE IMPLEMENTATION STUDY.

“(a) FINDINGS.—The Congress finds and declares that—

“(1) the Alaska Natives Commission adopted certain recommendations raising important policy questions which are unresolved in Alaska and which require further study and review before Congress considers legislation to implement solutions to address these recommendations; and

“(2) the Alaska Federation of Natives is the representative body of statewide Alaska Native interests best suited to further investigate and report to Congress with proposals to implement the recommendations of the Alaska Natives Commission.

“(b) GRANT.—The Secretary of Health and Human Services shall make a grant to the Alaska Federation of Natives to conduct the study and submit the report required by this section. Such grant may only be made if the Alaska Federation of Natives agrees to abide by the requirements of this section.

“(c) STUDY.—Pursuant to subsection (b), the Alaska Federation of Natives shall—

“(1) examine the recommendations of the Alaska Natives Commission;

“(2) examine initiatives in the United States, Canada, and elsewhere for successful ways that issues similar to the issues addressed by the Alaska Natives Commission have been addressed;

“(3) conduct hearings within the Alaska Native community on further ways in which the Commission’s recommendations might be implemented; and

“(4) recommend enactment of specific provisions of law and other actions the Congress should take to implement such recommendations.

“(d) CONSIDERATION OF LOCAL CONTROL.—In developing its recommendations pursuant to subsection (c)(4), the Alaska Federation of Natives shall give specific attention to the ways in which the recommendations may be achieved at the local level with maximum local control of the implementation of the recommendations.

“(e) REPORT.—Not later than 12 months after the date on which the grant is made under subsection (b), the Alaska Federation of Natives shall submit a report on the study conducted under this section, together with the recommendations developed pursuant to subsection (c)(4), to the President and the Congress and to the Governor and legislature of the State of Alaska. In addition, the Alaska Federation of Natives shall make the report available to Alaska Native villages and organizations and to the general public.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$350,000 for the grant under subsection (b).

“(g) ADDITIONAL STATE FUNDING.—The Congress encourages the State of Alaska to provide the additional funding necessary for the completion of the study under this section.”

ALASKA NATIVES COMMISSION

Pub. L. 101-379, §12, Aug. 18, 1990, 104 Stat. 478, established a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives to conduct a comprehensive review of Federal and State policies and programs affecting Alaska Natives in order to identify specific actions that could be taken to help assure that public policy goals were more fully realized among Alaska Natives, further provided for membership,

meetings, and other administrative affairs of the Commission, as well as specific powers and duties, further directed the Commission to submit, by no later than 18 months after its first meeting, a report with recommendations to the President, the Congress, the Governor of Alaska, and the legislature of the State of Alaska, and further provided for funding as well as termination of the Commission 180 days after the date of submission of its report.

NATIVE HAWAIIANS STUDY COMMISSION

Pub. L. 96-565, title III, §§301-307, Dec. 22, 1980, 94 Stat. 3324-3326, known as the Native Hawaiians Study Commission Act, established the Native Hawaiians Study Commission to study the culture, needs, and concerns of Native Hawaiians, and to issue a report and make recommendations to Congress. The Commission was required to have its first meeting not less than 90-days after Dec. 22, 1980, produce a draft report no later than 1 year after its first meeting and a final report no later than 9 months later. The Commission ceased to exist upon the expiration of the 60-day period following the submission of its final report.

§ 2991b. Financial assistance for Native American projects

(a) Authorization for financial assistance to public and nonprofit agencies; consultation with other Federal agencies to avoid duplication

The Commissioner is authorized to provide financial assistance, on a single year or multiyear basis, to public and nonprofit private agencies, including but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaska Native villages and regional corporations established by the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], and such public and nonprofit private agencies serving Native Hawaiians, and Indian and Alaska Native organizations in urban or rural areas that are not Indian reservations or Alaska Native villages, for projects pertaining to the purposes of this subchapter. The Commissioner is authorized to provide financial assistance to public and nonprofit private agencies serving other Native American Pacific Islanders (including American Samoan Natives) for projects pertaining to the purposes of this Act. In determining the projects to be assisted under this subchapter, the Commissioner shall consult with other Federal agencies for the purpose of eliminating duplication or conflict among similar activities or projects and for the purpose of determining whether the findings resulting from those projects may be incorporated into one or more programs for which those agencies are responsible. Every determination made with respect to a request for financial assistance under this section shall be made without regard to whether the agency making such request serves, or the project to be assisted is for the benefit of, Indians who are not members of a federally recognized tribe. To the greatest extent practicable, the Commissioner shall ensure that each project to be assisted under this subchapter is consistent with the priorities established by the agency which receives such assistance.

(b) Limitations of financial assistance; exceptions; non-Federal contributions

Financial assistance extended to an agency under this subchapter shall not exceed 80 per centum of the approved costs of the assisted

project, except that the Commissioner may approve assistance in excess of such percentage if the Commissioner determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this subchapter. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. The Commissioner shall not require non-Federal contributions in excess of 20 per centum of the approved costs of programs or activities assisted under this subchapter.

(c) Assistance as addition to, and not substitution for, activities previously carried out without Federal assistance; waiver; non-reservation areas

(1) No project shall be approved for assistance under this subchapter unless the Commissioner is satisfied that the activities to be carried out under such project will be in addition to, and not in substitution for, comparable activities previously carried out without Federal assistance, except that the Commissioner may waive this requirement in any case in which the Commissioner determines, in accordance with regulations establishing objective criteria, that application of the requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes of this subchapter.

(2) No project may be disapproved for assistance under this subchapter solely because the agency requesting such assistance is an Indian organization in a nonreservation area or serves Indians in a nonreservation area.

(d) Grants to improve tribal regulation of environmental quality

(1) The Commissioner shall award grants to Indian tribes for the purpose of funding 80 per cent of the costs of planning, developing, and implementing programs designed to improve the capability of the governing body of the Indian tribe to regulate environmental quality pursuant to Federal and tribal environmental laws.

(2) The purposes for which funds provided under any grant awarded under paragraph (1) may be used include, but are not limited to—

(A) the training and education of employees responsible for enforcing, or monitoring compliance with, environmental quality laws,

(B) the development of tribal laws on environmental quality, and

(C) the enforcement and monitoring of environmental quality laws.

(3) The 20 per cent of the costs of planning, developing, and implementing a program for which a grant is awarded under paragraph (1) that are not to be paid from such grant may be paid by the grant recipient in cash or through the provision of property or services, but only to the extent that such cash or property is from any source (including any Federal agency) other than a program, contract, or grant authorized under this subchapter.

(4) Grants shall be awarded under paragraph (1) on the basis of applications that are submitted by Indian tribes to the Commissioner in such form as the Commissioner shall prescribe.

(Pub. L. 88-452, title VIII, §803, as added Pub. L. 93-644, §11, Jan. 4, 1975, 88 Stat. 2324; amended