

son-O'Malley Act, which is classified generally to section 5342 et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 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 5325(a)(3)<sup>1</sup> 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Section 5325(a)(3) of this title, referred to in text, was repealed and a new subsec. (a)(3) of section 5325 was added by Pub. L. 103-413, title I, § 102(14)(C), Oct. 25, 1994, 108 Stat. 4257. See section 5325(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."

#### § 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 of 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.)

<sup>1</sup> See References in Text note below.

#### § 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)).<sup>1</sup>

(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.

Sections 6(b)(2), 6(i), and 9(b) of the Maine Indian Claims Settlement Act of 1980, referred to in text, are sections 6(b)(2), (i) and 9(b) of Pub. L. 96-420, which were classified to sections 1725(b)(2), (i) and 1728(b) of this title prior to omission from the Code as being of special and not general application.

#### § 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

<sup>1</sup> See References in Text note below.

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 assistance 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 Colleges and Universities 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);<sup>1</sup>

(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), 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; Pub. L. 110-315, title IX, §941(k)(2)(G), Aug. 14, 2008, 122 Stat. 3466.)

#### REFERENCES IN TEXT

The Tribally Controlled Colleges and Universities Assistance Act of 1978, referred to in subsec. (a)(1), is Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1325, 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, which was classified to section 640a et seq. of this title, and was omitted from the Code as being of special and not general application.

The Higher Education Act of 1965, referred to in subsec. (a)(2), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally 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

2008—Subsec. (a)(1). Pub. L. 110-315 substituted “the Tribally Controlled Colleges and Universities Assistance Act of 1978” for “the Tribally Controlled College or University Assistance Act of 1978”.

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

<sup>1</sup> See References in Text note below.