

established by section 42 of Pub. L. 93-400 which was classified to section 438 of former Title 41 prior to being repealed and restated as section 7105(b) of Title 41, Public Contracts, by Pub. L. 111-350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855.

The Boards of Contract Appeals of the Department of the Interior or the Department of Health and Human Services, referred to in subsec. (e), terminated effective 1 year after Jan. 6, 2006, pursuant to section 847(g) of Pub. L. 109-163, set out as an Effective Date of 2006 Amendment note under section 5372a of Title 5, Government Organization and Employees. Any reference to such Boards to be treated as referring to the Civilian Board of Contract Appeals pursuant to Pub. L. 109-163, div. A, title VIII, § 847(e), Jan. 6, 2006, 119 Stat. 3394, formerly set out in a note under section 607 of former Title 41, Public Contracts. The Civilian Board of Contract Appeals was established by section 42 of Pub. L. 93-400 which was classified to section 438 of former Title 41 prior to being repealed and restated as section 7105(b) of Title 41, Public Contracts, by Pub. L. 111-350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855.

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.

#### CODIFICATION

Section was formerly classified to section 450m-1 of this title prior to editorial reclassification and renumbering as this section.

In subsec. (d), “Chapter 71 of title 41” substituted for “The Contract Disputes Act (Public Law 95-563, Act of November 1, 1978; 92 Stat. 2383, as amended)” on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

#### 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 5332 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 5321(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.”

#### § 5332. Sovereign immunity and trusteeship rights unaffected

Nothing in this chapter 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 chapter, 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 chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

#### CODIFICATION

Section was formerly classified to section 450n of this title prior to editorial reclassification and renumbering as this section.

#### SUBCHAPTER II—CONTRACTS WITH STATES

#### CODIFICATION

Subchapter, consisting of sections 5341 to 5347 of this title, was not enacted as part of the Indian Self-Determination and Education Assistance Act which comprises this chapter.

#### § 5341. 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 subchapter, nor as part of the Indian Self-Determination and Education Assistance Act which comprises this chapter.

Section was formerly classified to section 451 of this title prior to editorial reclassification and renumbering as this section.

#### 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