

## CODIFICATION

Section was formerly classified to section 452 of this title prior to editorial reclassification and renumbering as this section.

## 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

Sections 5342 to 5348 of this title popularly known as the “Johnson-O'Malley Act”, see note under section 5301 of this title.

## 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.) [now 25 U.S.C. 5342 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 [25 U.S.C. 5342 et seq.], the Secretary shall enter into contracts only for the provision of supplementary educational services for Indian children”.

### § 5343. Use of Government property by States and Territories

The Secretary of the Interior, in making any contract authorized by sections 5342 to 5348 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.)

## CODIFICATION

Section was formerly classified to section 453 of this title prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

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

### § 5344. 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 5342 to 5348 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.)

## CODIFICATION

Section was formerly classified to section 454 of this title prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

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

### § 5345. 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.)

## CODIFICATION

Section was formerly classified to section 455 of this title prior to editorial reclassification and renumbering as this section.

## 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 Secretary of the Interior to report to Congress any contracts made under provisions of sections 5342 to 5344 of this title, prior to repeal by Pub. L. 86-533, §1(15), June 29, 1960, 74 Stat. 248.

### § 5346. 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 5342 to 5348 of this title has a local school board not composed of a majority of Indians, the parents of the Indian children en-