

stitutions, and organizations assisted by this subchapter may use funds provided herein to contract for necessary services with any appropriate individual, organization, or corporation.

(Pub. L. 93-638, title II, § 206, Jan. 4, 1975, 88 Stat. 2216.)

CODIFICATION

Section was formerly classified to section 458b of this title prior to editorial reclassification and renumbering as this section.

§ 5354. Rules and regulations

(a) Prerequisites for promulgation

(1) Within six months from January 4, 1975, the Secretary shall, to the extent practicable, consult with national and regional Indian organizations with experiences in Indian education to consider and formulate appropriate rules and regulations to implement the provisions of this subchapter.

(2) Within seven months from January 4, 1975, the Secretary shall present the proposed rules and regulations to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives.

(3) Within eight months from January 4, 1975, the Secretary shall publish proposed rules and regulations in the Federal Register for the purpose of receiving comments from interested parties.

(4) Within ten months from January 4, 1975, the Secretary shall promulgate rules and regulations to implement the provisions of this subchapter.

(b) Revision and amendment

The Secretary is authorized to revise and amend any rules or regulations promulgated pursuant to subsection (a) of this section: *Provided*, That prior to any revision or amendment to such rules or regulations the Secretary shall, to the extent practicable, consult with appropriate national and regional Indian organizations, and shall publish any proposed revisions in the Federal Register not less than sixty days prior to the effective date of such rules and regulations in order to provide adequate notice to, and receive comments from, other interested parties.

(Pub. L. 93-638, title II, § 207, Jan. 4, 1975, 88 Stat. 2216.)

CODIFICATION

Section was formerly classified to section 458c of this title prior to editorial reclassification and renumbering as this section.

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4, Ninety-fifth Congress (popularly cited as the "Committee System Reorganization Amendments of 1977"), approved Feb. 4, 1977. Section 105 of Senate Resolution No. 4 established a temporary Select Committee on Indian Affairs having jurisdiction over matters relating to Indian affairs (such matters previously having been within the jurisdiction of the Committee on Interior and Insular Affairs). Senate Resolution No. 127, June 6, 1984, Ninety-

eighth Congress, established the Select Committee on Indian Affairs as a permanent committee of the Senate, and section 25 of Senate Resolution No. 71, Feb. 25, 1993, One Hundred Third Congress, redesignated the Select Committee on Indian Affairs as the Committee on Indian Affairs.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 5355. Eligibility for funds of tribe or tribal organization controlling or managing private schools

The Secretary is authorized and directed to provide funds, pursuant to this chapter; the the¹ Act of April 16, 1934 (48 Stat. 596), as amended [25 U.S.C. 5342 et seq.]; or any other authority granted to him to any tribe or tribal organization which controls and manages any previously private school.

(Pub. L. 93-638, title II, § 208, Jan. 4, 1975, 88 Stat. 2216; Pub. L. 97-375, title I, § 108(d), Dec. 21, 1982, 96 Stat. 1820.)

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.

Act of April 16, 1934, referred to in text, is act Apr. 16, 1934, ch. 147, 48 Stat. 596, popularly known as the Johnson-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.

CODIFICATION

Section was formerly classified to section 458d of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1982—Pub. L. 97-375 struck out provisions relating to annual reporting requirements of Secretary to Congressional committees respecting educational assistance program conducted pursuant to this section.

§ 5356. Supplemental assistance to funds provided to local educational agencies

The assistance provided in this chapter for the education of Indians in the public schools of any State is in addition and supplemental to assistance provided under title VI of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7401 et seq.].

(Pub. L. 93-638, title II, § 209, Jan. 4, 1975, 88 Stat. 2217; Pub. L. 103-382, title III, § 393(c), Oct. 20, 1994, 108 Stat. 4027; Pub. L. 114-95, title IX, § 9215(rr), Dec. 10, 2015, 129 Stat. 2181.)

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

¹ So in original.

the Code, see Short Title note set out under section 5301 of this title and Tables.

The Elementary and Secondary Education Act of 1965, referred to in text, is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Title VI of the Act is classified generally to subchapter VI (§7401 et seq.) of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

CODIFICATION

Section was formerly classified to section 458e of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2015—Pub. L. 114-95 substituted “assistance provided under title VI of the Elementary and Secondary Education Act of 1965.” for “assistance provided under title IX of the Elementary and Secondary Education Act of 1965.”

1994—Pub. L. 103-382 substituted “title IX of the Elementary and Secondary Education Act of 1965” for “title IV of the Act of June 23, 1972 (86 Stat. 235)”.

SUBCHAPTER IV—TRIBAL SELF-GOVERNANCE—DEPARTMENT OF THE INTERIOR

§ 5361. Establishment

The Secretary of the Interior (hereinafter in this subchapter referred to as the “Secretary”) shall establish and carry out a program within the Department of the Interior to be known as Tribal Self-Governance (hereinafter in this subchapter referred to as “Self-Governance”) in accordance with this subchapter.

(Pub. L. 93-638, title IV, §401, as added Pub. L. 103-413, title II, §204, Oct. 25, 1994, 108 Stat. 4271.)

CODIFICATION

Section was formerly classified to section 458aa of this title prior to editorial reclassification and renumbering as this section.

SHORT TITLE

For short title of this subchapter as the “Tribal Self-Governance Act of 1994”, see section 201 of Pub. L. 103-413, set out as a Short Title of 1994 Amendment note under section 5301 of this title.

CONGRESSIONAL STATEMENT OF FINDINGS

Pub. L. 103-413, title II, §202, Oct. 25, 1994, 108 Stat. 4270, provided that: “Congress finds that—

“(1) the tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations;

“(2) the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

“(3) although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

“(4) the Tribal Self-Governance Demonstration Project [see Pub. L. 93-638, title III, as added by Pub. L. 100-472, title II, §209, Oct. 5, 1988, 102 Stat. 2296, formerly set out as a note under former 25 U.S.C. 450f] was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management; and

“(5) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that—

“(A) transferring control to tribal governments, upon tribal request, over funding and decision-making for Federal programs, services, functions, and activities, or portions thereof, is an effective way to implement the Federal policy of government-to-government relations with Indian tribes; and

“(B) transferring control to tribal governments, upon tribal request, over funding and decision-making for Federal programs, services, functions, and activities strengthens the Federal policy of Indian self-determination.”

CONGRESSIONAL DECLARATION OF POLICY

Pub. L. 103-413, title II, §203, Oct. 25, 1994, 108 Stat. 4271, provided that: “It is the policy of this title [enacting this subchapter] to permanently establish and implement tribal self-governance—

“(1) to enable the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

“(2) to permit each Indian tribe to choose the extent of the participation of such tribe in self-governance;

“(3) to coexist with the provisions of the Indian Self-Determination Act [title I of Pub. L. 93-638, see Short Title note set out under section 5301 of this title] relating to the provision of Indian services by designated Federal agencies;

“(4) to ensure the continuation of the trust responsibility of the United States to Indian tribes and Indian individuals;

“(5) to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority to plan, conduct, redesign, and administer programs, services, functions, and activities that meet the needs of the individual tribal communities; and

“(6) to provide for an orderly transition through a planned and measurable parallel reduction in the Federal bureaucracy.”

§ 5362. Selection of participating Indian tribes

(a) Continuing participation

Each Indian tribe that is participating in the Tribal Self-Governance Demonstration Project at the Department of the Interior under title III¹ on October 25, 1994, shall thereafter participate in Self-Governance under this subchapter and cease participation in the Tribal Self-Governance Demonstration Project under title III¹ with respect to the Department of the Interior.

(b) Additional participants

(1) In addition to those Indian tribes participating in self-governance under subsection (a) of this section, the Secretary, acting through the Director of the Office of Self-Governance, may select up to 50 new tribes per year from the applicant pool described in subsection (c) of this section to participate in self-governance.

(2) If each tribe requests, two or more otherwise eligible Indian tribes may be treated as a single Indian tribe for the purpose of participating in Self-Governance as a consortium.

(c) Applicant pool

The qualified applicant pool for Self-Governance shall consist of each tribe that—

(1) successfully completes the planning phase described in subsection (d) of this section;

(2) has requested participation in Self-Governance by resolution or other official action by the tribal governing body; and

¹ See References in Text note below.