

§ 304a. Study and investigation of Indian education in United States and Alaska; contracts; report to Congress; appropriations

The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Bureau of Indian Affairs, is authorized and directed to conduct a study and investigation of Indian education in the continental United States and Alaska, including a study and investigation of (1) the education problems of Indian children from non-English speaking homes, and (2) the possibility of establishing a more orderly, equitable, and acceptable program for transferring Indian children to public schools.

The Secretary, in carrying out the provisions of this section, is authorized to enter into contracts in accordance with the provisions of the Johnson-O'Malley Act of June 4, 1936 (49 Stat. 1458; 25 U.S.C. 452).¹

Not later than two years after funds are made available to carry out the purposes of this section, the Secretary shall submit to the Congress a complete report of the results of such study and investigation, together with such recommendations as he deems desirable.

There are authorized to be appropriated such sums as may be necessary for carrying out the purposes of this section.

(July 14, 1956, ch. 588, 70 Stat. 531.)

REFERENCES IN TEXT

The Johnson-O'Malley Act of June 4, 1936, referred to in text, probably means act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended generally by act June 4, 1936, ch. 490, 49 Stat. 1458, which was classified to section 452 et seq. of this title prior to editorial reclassification as 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 is composed of sections 1 to 4 of joint resolution July 14, 1956.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 304b. Deposits of funds of students and student activity associations in Indian schools

The Secretary of the Interior may authorize officials or employees of the Bureau of Indian Affairs to accept and to disburse deposits of funds of students and student activity associations in schools operated by the Bureau of Indian Affairs in accordance with the purposes of such deposits. Such deposits and disbursements shall be accounted for under rules and regulations prescribed by the Secretary of the Interior.

(Pub. L. 86-16, Apr. 27, 1959, 73 Stat. 20.)

CHAPTER 7A—PROMOTION OF SOCIAL AND ECONOMIC WELFARE

Sec.
305. Indian Arts and Crafts Board; creation and composition; per diem payments.

¹ See References in Text note below.

Sec.
305a. Promotion of economic welfare through development of arts and crafts; powers of Board.
305a-1. Additional powers of Board; admission fees, rent, franchise fees and other fundraising activities; volunteers; transfer of revenues into special fund.
305b. Rules and regulations; submission to Secretary of the Interior.
305c. Appropriation.
305c-1. Repealed.
305d. Criminal proceedings; civil actions.
305e. Cause of action for misrepresentation of Indian produced goods.
305f. Indian Arts and Crafts Board art collection.
306. Expenditures for encouragement of industry and self-support; repayment.
306a. Advances for support of old, disabled, or indigent allottees; lien against land.
307, 308. Omitted.
309. Vocational training program; eligibility; contracts or agreements.
309a. Authorization of appropriations.
309b. Vocational education funds.
310. Institute of American Indian and Alaska Native Culture and Arts Development.

§ 305. Indian Arts and Crafts Board; creation and composition; per diem payments

A board is created in the Department of the Interior to be known as "Indian Arts and Crafts Board", and hereinafter referred to as the Board. The Board shall be composed of five commissioners, who shall be appointed by the Secretary of the Interior as soon as possible after August 27, 1935 and shall continue in office, two for a term of two years, one for a term of three years, and two for a term of four years from the date of their appointment, the term of each to be designated by the Secretary of the Interior, but their successors shall be appointed for a term of four years except that any person chosen to fill a vacancy shall be appointed for the unexpired term of the commissioner whom he succeeds. Both public officers and private citizens shall be eligible for membership on the Board. The Board shall elect one of the commissioners as chairman. One or two vacancies on the Board shall not impair the right of the remaining commissioners to exercise all the powers of the Board.

The commissioner shall serve without compensation: *Provided*, That each Commissioner shall be paid per diem in lieu of subsistence and other expenses at a rate that does not exceed the rate authorized by section 5703 of title 5 to be paid to persons serving without compensation.

(Aug. 27, 1935, ch. 748, §1, 49 Stat. 891; Pub. L. 87-23, §1, Apr. 24, 1961, 75 Stat. 45.)

CODIFICATION

"Section 5703 of title 5" substituted in text for "the Act of August 2, 1946 (60 Stat. 808) as heretofore or hereafter amended (5 U.S.C. 73b-2)" on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1961—Pub. L. 87-23 substituted authorization for payment of per diem to Board members at the rate authorized for other persons serving without compensation for former provision reimbursing actual expenses, includ-

ing travel expenses, subsistence and office overhead, incurred incidental to performance of duties.

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-211, title I, §101(a), July 29, 2010, 124 Stat. 2258, provided that: "This title [amending sections 305d and 305e of this title and section 1159 of Title 18, Crimes and Criminal Procedure] may be cited as the 'Indian Arts and Crafts Amendments Act of 2010'."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-497, §1, Nov. 9, 2000, 114 Stat. 2219, provided that: "This Act [amending section 305e of this title] may be cited as the 'Indian Arts and Crafts Enforcement Act of 2000'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-644, title I, §101, Nov. 29, 1990, 104 Stat. 4662, provided that: "This title [enacting sections 305d and 305e of this title, amending section 305a of this title and sections 1158 and 1159 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as a note under section 305e of this title] may be cited as the 'Indian Arts and Crafts Act of 1990'."

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 305a. Promotion of economic welfare through development of arts and crafts; powers of Board

It shall be the function and the duty of the Secretary of the Interior through the Board to promote the economic welfare of the Indian tribes and Indian individuals through the development of Indian arts and crafts and the expansion of the market for the products of Indian art and craftsmanship. In the execution of this function the Board shall have the following powers: (a) To undertake market research to determine the best opportunity for the sale of various products; (b) to engage in technical research and give technical advice and assistance; (c) to engage in experimentation directly or through selected agencies; (d) to correlate and encourage the activities of the various governmental and private agencies in the field; (e) to offer assistance in the management of operating groups for the furtherance of specific projects; (f) to make recommendations to appropriate agencies for loans in furtherance of the production and sale of Indian products; (g)(1) to create for the Board, or for an individual Indian or Indian tribe or Indian arts and crafts organization, trademarks of genuineness and quality for Indian products and the products of an individual Indian or particular Indian tribe or Indian arts and crafts organization; (2) to establish standards and regulations for the use of Government-owned trademarks by corporations, associations, or individuals, and to charge for such use under such licenses; (3) to register any such trademark owned by the Government in the United States Patent and Trademark Office without charge and assign it and the goodwill associated with it to an individual Indian or Indian tribe without charge; and (4) to pursue or defend in the courts any appeal or pro-

ceeding with respect to any final determination of that office; (h) to employ executive officers, including a general manager, and such other permanent and temporary personnel as may be found necessary, and prescribe the authorities, duties, responsibilities, and tenure and fix the compensation of such officers and other employees: *Provided*, That chapter 51 and subchapter III of chapter 53 of title 5 shall be applicable to all permanent employees and that all employees shall be appointed in accordance with the civil-service laws from lists of eligibles to be supplied by the Director of the Office of Personnel Management; (i) as a Government agency to negotiate and execute in its own name contracts with operating groups to supply management, personnel, and supervision at cost, and to negotiate and execute in its own name such other contracts and to carry on such other business as may be necessary for the accomplishment of the duties and purposes of the Board: *Provided*, That nothing in the foregoing enumeration of powers shall be construed to authorize the Board to borrow or lend money or to deal in Indian goods. For the purposes of this section, the term "Indian arts and crafts organization" means any legally established arts and crafts marketing organization composed of members of Indian tribes.

(Aug. 27, 1935, ch. 748, §2, 49 Stat. 891; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784; Pub. L. 101-644, title I, §102, Nov. 29, 1990, 104 Stat. 4662.)

CODIFICATION

The proviso in clause (h) originally provided that the Classification Act of 1923, as amended, shall be applicable to all permanent employees except executive officers, and that all employees other than executive officers shall be appointed in accordance with the civil-service laws from lists of eligibles to be supplied by the Civil Service Commission. The exception of "executive officers" has been omitted as obsolete and superseded.

Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the 1923 Act and all laws or parts of laws inconsistent with the 1949 Act. While section 1106(a) of the 1949 Act provided that references in other laws to the 1923 Act should be held and considered to mean the 1949 Act, it did not have the effect of continuing the exception in clause (h) because of section 1106(b) which provided that the application of the 1949 Act to any position, officers, or employee shall not be affected by section 1106(a). The Classification Act of 1949 was repealed by Pub. L. 89-554, Sept. 6, 1966, §8(a), 80 Stat. 632 (of which section 1 revised and enacted Title 5, Government Organization and Employees, into law). Section 5102 of Title 5 contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Office of Personnel Management to determine the applicability to specific positions and employees.

Such appointments are subject to the civil service laws unless specifically excepted by such laws or by laws enacted subsequent to Executive Order 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, §1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5.

"Chapter 51 and subchapter III of chapter 53 of title 5" substituted in text for "the Classification Act of 1949, as amended" on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5.