

sional 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.)

Editorial Notes

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.

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. Definitions

In this subchapter:

(1) Compact

The term “compact” means a self-governance compact entered into under section 5364 of this title.

(2) Construction program; construction project

The term “construction program” or “construction project” means a Tribal undertaking relating to the administration, planning, environmental determination, design, construction, repair, improvement, or expansion of roads, bridges, buildings, structures, systems, or other facilities for purposes of housing, law enforcement, detention, sanitation, water supply, education, administration, community, health, irrigation, agriculture, conservation, flood control, transportation, or port facilities, or for other Tribal purposes.

(3) Department

The term “Department” means the Department of the Interior.

(4) Funding agreement

The term “funding agreement” means a funding agreement entered into under section 5363 of this title.

(5) Gross mismanagement

The term “gross mismanagement” means a significant violation, shown by a preponderance of the evidence, of a compact, funding agreement, or statutory or regulatory requirement applicable to Federal funds for a program administered by an Indian Tribe under a compact or funding agreement.

(6) Inherent Federal function

The term “inherent Federal function” means a Federal function that may not legally be delegated to an Indian Tribe.

(7) Non-BIA program

The term “non-BIA program” means all or a portion of a program, function, service, or activity that is administered by any bureau, service, office, or agency of the Department of the Interior other than—

(A) the Bureau of Indian Affairs;

(B) the Office of the Assistant Secretary for Indian Affairs; or

(C) the Office of the Special Trustee for American Indians.

(8) Program

The term “program” means any program, function, service, or activity (or portion thereof) within the Department that is included in a funding agreement.

(9) Secretary

The term “Secretary” means the Secretary of the Interior.

(10) Self-determination contract

The term “self-determination contract” means a self-determination contract entered into under section 5321 of this title.

(11) Self-governance

The term “self-governance” means the Tribal Self-Governance Program established under section 5362 of this title.

(12) Tribal share

The term “Tribal share” means the portion of all funds and resources of an Indian Tribe that—

(A) support any program within the Bureau of Indian Affairs, the Office of the Special Trustee for American Indians, or the Office of the Assistant Secretary for Indian Affairs; and

(B) are not required by the Secretary for the performance of an inherent Federal function.

(13) Tribal water rights settlement

The term “Tribal water rights settlement” means any settlement, compact, or other agreement expressly ratified or approved by an Act of Congress that—

(A) includes an Indian Tribe and the United States as parties; and

(B) quantifies or otherwise defines any water right of the Indian Tribe.

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