

**HISTORY; ANCILLARY LAWS AND DIRECTIVES****Explanatory notes:**

The services of Indian agents have been dispensed with; see 25 USCS § 64 note.

**Transfer of functions:**

Reorg. Plan No. 3, of 1950, §§ 1, 2, transferred all functions, with two exceptions, of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department, to the Secretary of the Interior, with the power to authorize the performance of any function of the Secretary of the Interior by any other officer or by any agency of the Department of the Interior; see 5 USCS § 903 note.

**INTERPRETIVE NOTES AND DECISIONS**

Congress had the right to commute without their consent perpetual annuities payable to Indian tribes. *Pottawatomie Tribe of Indians v*

*United States* (1953) 125 Ct Cl 60, 111 F Supp 256.

**§ 13. Expenditure of appropriations by Bureau of Indian Affairs**

The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs.

Notwithstanding any other provision of this Act or any other law, postsecondary schools administered by the Secretary of the Interior for

Indians, and which meet the definition of an "institution of higher education" under section 1201 of the Higher Education Act of 1965 [20 USCS § 1141], shall be eligible to participate in and receive appropriated funds under any program authorized by the Higher Education Act of 1965, or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions. (Nov. 2, 1921, ch 115, 42 Stat. 208; Oct. 12, 1976, P. L. 94-482, Title IV, § 410, 90 Stat. 2233.)

#### HISTORY; ANCILLARY LAWS AND DIRECTIVES

##### References in text:

"This Act", referred to in this section, is Act Nov. 2, 1921, ch 115, 42 Stat. 208. For full classification of this Act, consult USCS Tables volumes.

"The Higher Education Act of 1965", referred to in this section, is Act Nov. 8, 1965, P. L. 89-329, 79 Stat. 1219, which appears generally as 20 USCS §§ 1001 et seq. For full classification of this Act, consult USCS Tables volumes.

##### Amendments:

1976. Act Oct. 12, 1976, added the undesignated para. beginning "Notwithstanding any other . . . .".

##### Transfer of functions:

Reorg. Plan No. 3, of 1950, §§ 1, 2, transferred all functions, with two exceptions, of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department, to the Secretary of the Interior, with the power to authorize the performance of any function of the Secretary of the Interior by any other officer or by any agency of the Department of the Interior; see 5 USCS § 903 note.

##### Other provisions:

Effective date and application of 1976 amendments. Act Oct. 12, 1976, P. L. 94-482, Title IV, § 410, 90 Stat. 2233, which appears as 20 USCS § 1001 note, provided that amendments by such Act shall be effective 30 days after Oct. 12, 1976, except either as specifically otherwise provided or, if not so specifically otherwise provided, effective July 1, 1976, for those amendments providing for authorization of appropriations.

Funding provision. Act Nov. 1, 1978, P. L. 95-561, Title XII, Part C, § 1102, 92 Stat. 2316, provided that:

"(a) The Secretary of the Interior shall develop alternative methods for the equitable distribution of any supplement program funds provided, pursuant to an appropriation under the Act of November 2, 1921, commonly referred to as the Snyder Act [this section and former 25 USCS § 52a], for contracting under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act [25 USCS §§ 452 et seq.], and shall publish in the Federal Register by March 1, 1979, such alternatives for the purpose of allowing eligible tribes to comment by

May 1, 1979. At that time, the Secretary shall conduct a field survey listing all alternative formula.

“(b) By July 1, 1979, the Secretary shall establish and publish the formula in the Federal Register which the majority of such tribes determine, but vote certified to the Secretary, to be most equitable and shall use such formula for purposes of distribution of the funds appropriated pursuant to such Act beginning on or after October 1, 1979. The Secretary shall, in accordance with procedures consistent with that prescribed herein, revise such formula periodically as necessary.”.

**Basic educational support.** Act Nov. 1, 1978, P. L. 95-561, Title XII, Part C, § 1103(a), 92 Stat. 2316; Aug. 6, 1979, P. L. 96-46, § 2(b)(1), 93 Stat. 341 (effective 10/1/78, as provided by § 8 of such Act), provided that:

“(a)(1) From sums already appropriated under the Act of November 2, 1921 (25 U.S.C. 13) [this section and former 25 USCS § 52a] and notwithstanding any other provision of law or any requirement of a grant or agreement relating to the timing of payments for basic support contracts or grants under the Act of April 16, 1934 (25 U.S.C. 452-457) [25 USCS §§ 452 et seq.], the Secretary of the Interior shall make payments of all funds appropriated under the authority of the Act of November 2, 1921 [this section and former 25 USCS § 52a], for fiscal year 1978 (including any fiscal year 1978 funds subsequently obligated in fiscal year 1979 from such appropriation) for basic support contracts or grants to any school that had a deficit in its operating budget for fiscal year 1978 as a consequence of the lack of complete payment from the Department of the Interior for such contract or grant. Such payments shall be made in accordance with any applicable condition of such contracts or grants other than conditions relating to the timing of payments.

“(2) The Secretary of the Interior shall make the payments referred to in paragraph (1) not later than thirty days after the date of the enactment of this Act [enacted Nov. 1, 1978]. Saturdays, Sundays, and legal public holidays, as established by section 6103 of title 5, United States Code [5 USCS § 6103], shall not be considered as days for purposes of the preceding sentence.”.

**Johnson-O'Malley Act; Snyder Act; Navajo Community College Act; Tribally Controlled Community College Assistance Act of 1978.** Act Aug. 13, 1981, P. L. 97-35, Title V, Subtitle A, § 518, 95 Stat. 449, provided:

“The total amount of appropriations—

“(1) to carry out the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act [25 USCS §§ 452 et seq.];

“(2) to carry out all education programs under the direction of the Office of Indian Education Programs in the Bureau of Indian Affairs of the Department of the Interior authorized under the Act of November 2, 1921, commonly referred to as the Snyder Act [this section and former 25 USCS § 52a] (and not otherwise expressly authorized by law);