

§ 2025. Payments

(a)(1)¹ Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this chapter in 2 payments—

(A) one payment to be made not later than July 15 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year, and

(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

(2) For any school for which no payment was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this chapter shall be made not later than December 1 of the academic year.

(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

(4) The provisions of chapter 39 of title 31 shall apply to the payments required to be made by paragraphs (1), (2), and (3) of this subsection.

(Pub. L. 95-561, title XI, §1145, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4015.)

§ 2026. Definitions

For the purpose of this chapter, unless otherwise specified—

(1) the term “agency school board” means a body, the members of which are appointed by the school boards of the schools located within such agency, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties;

(2) the term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior;

(3) the term “Bureau funded school” means—

(A) a Bureau school;

(B) a contract school; or

(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.];

(4) the term “Bureau school” means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school;

(5) the term “contract or grant school” means an elementary or secondary school or a dormitory which receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 450f, 450h(a), or 458d of this title) or under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504) [25 U.S.C. 2501 et seq.];

(6) the term “education line officer” means education personnel under the supervision of

the Director, whether located in central, area, or agency offices;

(7) the term “family literacy services” has the meaning given such term in section 8801 of title 20;

(8) the term “financial plan” means a plan of services to be provided by each Bureau school;

(9) the term “Indian organization” means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized Indian tribes;

(10) the term “local educational agency” means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education;

(11) the term “local school board”, when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected, and the number of such members shall be determined by the Secretary in consultation with the affected tribes;

(12) the term “Office” means the Office of Indian Education Programs within the Bureau;

(13) the term “Secretary” means the Secretary of the Interior;

(14) the term “supervisor” means the individual in the position of ultimate authority at a Bureau school; and

(15) the term “tribe” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(Pub. L. 95-561, title XI, §1146, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4015; amended Pub. L. 106-554, §1(a)(4) [div. B, title XVI, §1607(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-335.)

REFERENCES IN TEXT

The Tribally Controlled Schools Act of 1988, referred to in pars. (3)(C) and (5), is part B (§§5201-5212) of title V of Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 385, which is classified generally to chapter 27 (§2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in par. (15), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

¹ So in original. No subsec. (b) has been enacted.

AMENDMENTS

2000—Pars. (7) to (15). Pub. L. 106-554 added par. (7) and redesignated former pars. (7) to (14) as (8) to (15), respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2012 of this title; title 2 section 812; title 20 sections 2326, 6235.

CHAPTER 23—DEVELOPMENT OF TRIBAL MINERAL RESOURCES

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§ 2101. Definitions

For the purposes of this chapter, the term—

(1) "Indian" means any individual Indian or Alaska Native who owns land or interests in land the title to which is held in trust by the United States or is subject to a restriction against alienation imposed by the United States;

(2) "Indian tribe" means any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group which owns land or interests in land title to which is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; and

(3) "Secretary" means the Secretary of the Interior.

(Pub. L. 97-382, § 2, Dec. 22, 1982, 96 Stat. 1938.)

SHORT TITLE

Section 1 of Pub. L. 97-382 provided: "That this Act [enacting this chapter] may be cited as the 'Indian Mineral Development Act of 1982'."

§ 2102. Minerals Agreements**(a) Authorization for tribes; approval by Secretary**

Any Indian tribe, subject to the approval of the Secretary and any limitation or provision contained in its constitution or charter, may

enter into any joint venture, operating, production sharing, service, managerial, lease or other agreement, or any amendment, supplement or other modification of such agreement (hereinafter referred to as a "Minerals Agreement") providing for the exploration for, or extraction, processing, or other development of, oil, gas, uranium, coal, geothermal, or other energy or nonenergy mineral resources (hereinafter referred to as "mineral resources") in which such Indian tribe owns a beneficial or restricted interest, or providing for the sale or other disposition of the production or products of such mineral resources.

(b) Inclusion of individual holdings; approval by parties and Secretary

Any Indian owning a beneficial or restricted interest in mineral resources may include such resources in a tribal Minerals Agreement subject to the concurrence of the parties and a finding by the Secretary that such participation is in the best interest of the Indian.

(Pub. L. 97-382, § 3, Dec. 22, 1982, 96 Stat. 1938.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2107 of this title.

§ 2103. Secretary's determination on Minerals Agreements**(a) Time; enforcement**

The Secretary shall approve or disapprove any Minerals Agreement submitted to him for approval within (1) one hundred and eighty days after submission or (2) sixty days after compliance, if required, with section 4332(2)(C) of title 42 or any other requirement of Federal law, whichever is later. Any party to such an agreement may enforce the provisions of this subsection pursuant to section 1361 of title 28.

(b) Factors for consideration; extent of required study

In approving or disapproving a Minerals Agreement, the Secretary shall determine if it is in the best interest of the Indian tribe or of any individual Indian who may be party to such agreement and shall consider, among other things, the potential economic return to the tribe; the potential environmental, social, and cultural effects on the tribe; and provisions for resolving disputes that may arise between the parties to the agreement: *Provided*, That the Secretary shall not be required to prepare any study regarding environmental, socioeconomic, or cultural effects of the implementation of a Minerals Agreement apart from that which may be required under section 4332(2)(C) of title 42.

(c) Prior notice of proposed finding; privileged information

Not later than thirty days prior to formal approval or disapproval of any Minerals Agreement, the Secretary shall provide written findings forming the basis of his intent to approve or disapprove such agreement to the affected Indian tribe. Notwithstanding any other law, such findings and all projections, studies, data or other information possessed by the Department of the Interior regarding the terms and conditions of the Minerals Agreement, the financial