

## **BUREAU OF INDIAN AFFAIRS**

### **Office of the Assistant Secretary – Indian Affairs**

The Department is responsible for delivering a broad range of services to Federally-recognized Indian tribes and their members, mostly through the Bureau of Indian Affairs (BIA) and other offices reporting to the Assistant Secretary – Indian Affairs. Much of the law that these officials and offices rely upon ultimately is designed to support both tribal governments and efforts by tribes to attain a certain quality of life for their members. Use of these authorities presupposes discussion from the outset with any impacted Indian tribe. Assuming such discussions yield partnership opportunities, the authorities listed below are generally available to achieve goals that are consistent with DOI's responsibilities and objectives. Also the list of [Department-level authorities](#) may be consulted.

The following list of authorities, or partnership tools, is organized first in terms of "The Ability to Provide Money and Services," "The Ability to Receive Money and Services," and "The Ability to Share Responsibility." Each of these main categories is then sub-categorized by types of authority. For instance, "The Ability to Provide Money and Services" is further divided into "Broad Spending Authority," "The Authority to Detail Federal Workers," "The Authority to Train or Provide Technical Assistance," etc. All sub-categories are then further divided by subject matter, such as "Education," "Law Enforcement," and "Energy."

Note that the authorities listed here are not the only authorities that might exist to help with a specific partnership. This compilation specifically omits five kinds of authorities. First, the list does not include authorities relating to the ability of the Secretary to modify ownership or rights relating to Indian trust and restricted properties. Changing the status of trust or restricted property is a highly formalized process, and receives intense scrutiny from a number of Federal officials. That is, while it might be appropriate to initiate a change in the status of trust or restricted property to achieve a "stand alone" objective independently raised by the affected tribe or tribal member, it would be inappropriate to do so to accomplish most partnership goals. Second, the list does not include authorities that specifically apply to a single tribe, or a small group of tribes, due to their limited applicability. For example, 25 U.S.C. 640b authorizes the Secretary to issue grants to the Navajo Tribe associated with the Navajo Community College. Similarly, 25 U.S.C. 698 authorizes the Secretary to transfer Federally-owned property to certain tribes in western Oregon. Tribes affected by such specific laws are keenly aware of their existence and application and will use these authorities when appropriate without referring to this document. Thus, they are not included here. Third, the list does not include authorities for which there is a sustained history of inadequate funding, or none at all, because these are not considered truly viable mechanisms for achieving partnership goals. Fourth, the authorities relating to highly structured programs are not listed, because they do not offer the sort of flexibility most partnerships require. An example would be the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450 *et seq.* ("ISDEA"), which contains numerous authorities of the sort listed below, but which is so structured and narrowly applied that its provisions typically are unavailable for use in any new or novel situation. Finally, any authorities that are believed to be unusable at present for any other reason are not listed. For example, the authorities relating to the BIA Office of Tribal Justice Support under the Indian Tribal Justice Act, 25 U.S.C. 3601 *et seq.*, are not listed, because that Office does not currently exist.

In summary, readers should use the following list as a unique and helpful starting point, but should not consider it to be the final word on any authority. This list may be in some cases overly broad, for example, because an authority may have restrictions that are not

described here. In some cases, however, the list may not mention an authority that is in fact available, but only to a particular tribe, or because an ISDEA contract triggers it. In either of those instances, it is assumed the affected tribe already will know of the authority and put it to use. The Solicitor's Office can help determine the most appropriate way to use the authorities listed below to accomplish a given partnership goal. Consultation with the Solicitor's Office early in the initial partnership planning and discussion stages will help facilitate effective and legally supportable achievement of those goals.

The following outline is intended to assist readers looking for any specific type of BIA authority.

## **I. ABILITY TO PROVIDE MONEY AND SERVICES**

### **A. Broad Spending Authority**

1. [General](#)
2. [Agriculture](#)
3. [Construction](#)
4. [Economic Development](#)
5. [Education](#)
6. [Employment](#)
7. [Health](#)
8. [Law Enforcement](#)
9. [Social Services](#)

### **B. Authority to Award Grants**

1. [Education](#)
2. [Energy](#)
3. [Environmental Protection](#)
4. [Law Enforcement](#)
5. [Natural Resources](#)
6. [Social Services](#)

### **C. Authority to Detail Federal Workers**

1. [Economic Development](#)
2. [Education](#)
3. [Law Enforcement](#)

### **D. Authority to Allow the Use of Federal Property**

1. [General](#)
2. [Education](#)
3. [Law Enforcement](#)
4. [Transportation](#)

### **E. Authority to Train or Provide Technical Assistance**

1. [General](#)
2. [Economic Development](#)
3. [Education](#)
4. [Employment](#)
5. [Energy](#)
6. [Environmental Protection](#)
7. [Health](#)
8. [Law Enforcement](#)
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## II. ABILITY TO RECEIVE MONEY AND SERVICES

### A. Authority to Charge Fees

1. General
2. Use of Federal Property

### B. Authority to Accept Gifts and Donations

1. General
2. Agriculture
3. Education

### C. Authority to Use Non-Federal Workers or Volunteers

1. Economic Development
2. Law Enforcement

## III. ABILITY TO SHARE RESPONSIBILITY

### A. Authority to Share or Transfer Federal Management

1. General
2. Agriculture
3. Education
4. Employment
5. Environmental Protection
6. Law Enforcement
7. Social Services

### B. Authority to Enter into Cooperative Agreements

1. Agriculture
2. Education
3. Employment
4. Law Enforcement
5. Natural Resources
6. Social Services

## I. ABILITY TO PROVIDE MONEY AND SERVICES

### A. Broad Spending Authority

#### 1. General

- a. **25 U.S.C. 13 *et seq.* (the Snyder Act)** allows BIA to spend appropriations for a broad array of purposes "for the benefit, care, and assistance of the Indians throughout the United States ... ."
- b. **25 U.S.C. 452 *et seq.* (the Johnson-O'Malley Act)** allows the Secretary to enter into contracts with any State, Territory, political subdivision thereof, State university, college, school, or any appropriate State or private corporation, agency, or institution, for the education, medical attention, agricultural assistance, and social welfare of Indians, and to spend appropriations under such contracts.

- c. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. These programs can include community education and training for social workers, law enforcement personnel, and legal and medical professionals. In addition, the Secretary is specifically allowed to use program funding for “such other innovative and culturally relevant programs and projects as the Secretary may approve ... that show promise of successfully preventing and treating cases of family violence, child abuse, and child neglect.”

## 2. Agriculture

- a. **25 U.S.C. 452 et seq. ( the Johnson-O’Malley Act)** allows the Secretary to enter into contracts with any State, Territory, political subdivision thereof, State university, college, school, or any appropriate State or private corporation, agency, or institution, for the agricultural assistance of Indians, and to spend appropriations under such contracts.

## 3. Construction

- a. **25 U.S.C. 318a** allows the Secretary to appropriate otherwise unappropriated Treasury funds to purchase materials and Indian labor to survey, build, and maintain roads on Indian reservations when (1) such roads are not otherwise eligible for funding under the Federal Highway Act, and (2) no other appropriated funds are available.
- b. **25 U.S.C. 458 et seq.** allows the Secretary to help State education agencies and school districts fund the construction and renovation of school facilities serving Indians residing on Indian lands.
- c. **25 U.S.C. 1544** allows Federal agencies to award contractors who hire Indian subcontractors and suppliers a 5% bonus as additional compensation for doing so.

## 4. Economic Development

- a. **25 U.S.C. 1851 et seq.** allows the Secretary to award grants to tribally controlled colleges or universities already receiving certain other kinds of grants, in order to establish and support tribal economic development and education institutes.

## 5. Education

- a. **25 U.S.C. 13-1** allows appropriations for basic educational support, through parent committees, to public schools educating Indian students, where other funding sources are “insufficient to bring the education of the enrolled Indian students to a level equal to the level of education provided non-Indian students in the public schools in which they are enrolled. . . .”

- b. **25 U.S.C. 13b** allows BIA to spend appropriations to pay for the care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools.
- c. **25 U.S.C. 452 *et seq.* (the Johnson-O'Malley Act)** allows the Secretary to enter into contracts with any State, Territory, political subdivision thereof, State university, college, school, or any appropriate State or private corporation, agency, or institution, for the education of Indians, and to spend appropriations under such contracts.
- d. **25 U.S.C. 458 *et seq.*** allows the Secretary to help State education agencies and school districts fund the construction, acquisition, and renovation of school facilities serving Indians residing on Indian lands.
- e. **25 U.S.C. 458d** allows the Secretary to provide funds to a tribe or tribal authority which controls and manages any previously private school.
- f. **25 U.S.C. 1831 *et seq.*** allows the Secretary to award grants to encourage the creation of endowment funds at tribally controlled colleges or universities.
- g. **25 U.S.C. 1851 *et seq.*** allows the Secretary to award grants to tribally controlled colleges or universities already receiving certain other kinds of grants, in order to establish and support tribal economic development and education institutes.
- h. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. These programs can include community education and training for social workers, law enforcement personnel, and legal and medical professionals. In addition, the Secretary is specifically allowed to use program funding for "such other innovative and culturally relevant programs and projects as the Secretary may approve ... that show promise of successfully preventing and treating cases of family violence, child abuse, and child neglect."

## 6. **Employment**

- a. **25 U.S.C. 13e** allows BIA to spend appropriations to pay for (among other things) exhibits and various sorts of job training and training-related transportation and subsistence expenses (as provided in 25 U.S.C. 309).

## 7. **Health**

- a. **25 U.S.C. 452 *et seq.* (the Johnson-O'Malley Act)** allows the Secretary to enter into contracts with any State, Territory, political subdivision thereof, State university, college, school, or any appropriate State or private corporation, agency, or institution, for the medical attention of Indians, and to spend appropriations under such contracts.

- b. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. These programs can include community education and training for medical professionals. In addition, the Secretary is specifically allowed to use program funding for “such other innovative and culturally relevant programs and projects as the Secretary may approve ... that show promise of successfully preventing and treating cases of family violence, child abuse, and child neglect.”

## 8. **Law Enforcement**

- a. **25 U.S.C. 13b** allows BIA to spend appropriations to pay for rewards for information or evidence concerning violations of law on Indian reservation lands or treaty fishing rights use areas.
- b. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. These programs can include community education and training for law enforcement personnel and legal professionals. In addition, the Secretary is specifically allowed to use program funding for “such other innovative and culturally relevant programs and projects as the Secretary may approve ... that show promise of successfully preventing and treating cases of family violence, child abuse, and child neglect.”

## 9. **Social Services**

- a. **25 U.S.C. 452 et seq. (the Johnson-O'Malley Act)** allows the Secretary to enter into contracts with any State, Territory, political subdivision thereof, State university, college, school, or any appropriate State or private corporation, agency, or institution, for the social welfare of Indians, and to spend appropriations under such contracts.
- b. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. These programs can include community education and training for social workers, law enforcement personnel, and legal and medical professionals. In addition, the Secretary is specifically allowed to use program funding for “such other innovative and culturally relevant programs and projects as the Secretary may approve . . . that show promise of successfully preventing and treating cases of family violence, child abuse, and child neglect.”

## B. **Authority to Award Grants**

### 1. **Education**

- a. **25 U.S.C. 2019** requires the Secretary to provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs.

- b. **25 U.S.C. 2020** requires the Secretary, subject to appropriations, to provide grants and technical assistance to tribes for the development and operation of tribal departments or divisions of education, to plan and coordinate all educational programs of the tribe.
- c. **25 U.S.C. 3113** establishes a BIA cooperative education program for the purpose of recruiting promising Indian and Alaska Native students. The Secretary pays all costs for tuition, books and fees of an Indian or Alaska Native students who meet certain criteria. Forestry scholarships also are authorized.
- d. **25 U.S.C. 3504** allows the Secretary to award grants to Indian tribes to develop and enforce tribal laws governing the development of tribal energy resources. Grant funding may be used for a broad range of related activities, including training and education.

## 2. **Energy**

- a. **25 U.S.C. 3504** allows the Secretary to award grants to Indian tribes to develop and enforce tribal laws governing the development of tribal energy resources. Grant funding may be used for a broad range of related activities, including training, education, developing inventories of tribal resources, developing tribal legal and governmental infrastructure to regulate environmental quality, and enforcing and monitoring Federal laws.
- b. **25 U.S.C. 3506** allows the Secretary to award grants to Indian tribal governments or private sector persons working with them, for the purpose of studying the adoption of energy efficiency and renewable energy projects on Indian reservations. The grants may cover the costs of technical assistance.

## 3. **Environmental Protection**

- a. **25 U.S.C. 3504** allows the Secretary to award grants to Indian tribes to develop and enforce tribal laws governing the development of tribal energy resources. Grant funding may be used for a broad range of related activities, including training, education, developing inventories of tribal resources, developing tribal legal and governmental infrastructure to regulate environmental quality, and enforcing and monitoring Federal laws.

## 4. **Law Enforcement**

- a. **25 U.S.C. 3504** allows the Secretary to award grants to Indian tribes to develop and enforce tribal laws governing the development of tribal energy resources. Grant funding may be used for a broad range of related activities, including training, education, developing inventories of tribal resources, developing tribal legal and governmental infrastructure to regulate environmental quality, and enforcing and monitoring Federal laws.

## 5. **Natural Resources**

- a. **25 U.S.C. 3504** allows the Secretary to award grants to Indian tribes to develop and enforce tribal laws governing the development of tribal energy resources. Grant funding may be used for a broad range of related activities, including training, education, developing inventories of tribal resources, developing tribal legal and governmental infrastructure to regulate environmental quality, and enforcing and monitoring Federal laws.

**6. Social Services**

- a. **25 U.S.C. 2412** allows the Secretary to provide grants to Indian tribes for technical assistance in the development of a Tribal Action Plan to combat alcohol and substance abuse among its members (25 U.S.C. 2412(d)), and for implementing and developing community and in-school training, education and prevention programs on alcohol and substance abuse, fetal alcohol syndrome, and fetal alcohol effect (25 U.S.C. 2412(f)).

**C. Authority to Detail Federal Workers**

**1. Economic Development**

- a. **25 U.S.C. 3417** allows the Secretary to assign Federal personnel to State programs targeted to Indian tribal economic development.

**2. Education**

- a. **25 U.S.C. 458bbb et seq.** require the Secretary to establish the American Indian Education Foundation, a non-profit, federally-chartered charitable corporation whose mission is to encourage, accept and administer private gifts of real and personal property in support of the BIA's Office of Indian Education Programs. The Secretary may provide personnel to the Foundation for the first 5 years of its existence (25 U.S.C. 458bbb-1). [Note: The Foundation, though in some respects organized and operating, has not yet been formally incorporated. The name "American Indian Education Foundation" is already in use by another entity, so before the Foundation can incorporate, Congress will need to change the proposed name.]

**3. Law Enforcement**

- a. **25 U.S.C. 2801 et seq. (the Indian Law Enforcement Reform Act)** allows the Secretary to help any other Federal, tribal, State, or local law enforcement agency with its law enforcement efforts (25 U.S.C. 2803), and enter into agreements for the use of personnel or facilities of a Federal, tribal, State, or other governmental agency to aid in the enforcement in Indian country of Federal or tribal laws (25 U.S.C. 2804).

**D. Authority to Allow the Use of Federal Property**

**1. General**



- a. **25 U.S.C. 17** allows the Secretary to permit tribal governments and organizations and student organizations to use BIA equipment, land, buildings, and other structures if that use does not interfere with BIA's activities and when the use is beneficial to the Indians or Federal programs.
- b. **25 U.S.C. 443a** allows the Secretary to convey to an Indian tribe, band or group title to any federally owned buildings, improvements or facilities located on Indian lands and no longer needed by BIA.
- c. **25 U.S.C. 453** allows the Secretary to let parties, contracting under the Johnson-O'Malley Act, use government buildings and equipment in furtherance of contract purposes.

## 2. Education

- a. **25 U.S.C. 17** allows the Secretary to permit tribal governments and organizations and student organizations to use BIA equipment, land, buildings, and other structures if that use does not interfere with BIA's activities and when the use is beneficial to the Indians or Federal programs.
- b. **25 U.S.C. 458bbb et seq.** require the Secretary to establish the American Indian Education Foundation, a non-profit, federally-chartered charitable corporation whose mission is to encourage, accept and administer private gifts of real and personal property in support of the BIA's Office of Indian Education Programs. The Secretary may provide facilities and other administrative support services to the Foundation on a cost reimbursement basis (25 U.S.C. 458bbb-1). [Note: The Foundation, though in some respects organized and operating, has not yet been formally incorporated. The name "American Indian Education Foundation" is already in use by another entity, so before the Foundation can incorporate, Congress will need to change the proposed name.]

## 3. Law Enforcement

- a. **25 U.S.C. 2801 et seq. (the Indian Law Enforcement Reform Act)** allows the Secretary to enter into agreements for the use of personnel or facilities of a Federal, tribal, State, or other governmental agency to aid in the enforcement in Indian country of Federal or tribal laws (25 U.S.C. 2804).

## 4. Transportation

- a. **25 U.S.C. 16** allows BIA to transport Indians in Government-owned passenger vehicles.

# E. Authority to Train or Provide Technical Assistance

## 1. General

- a. **25 U.S.C. 3504** allows the Secretary to award grants to Indian tribes to develop and enforce tribal laws governing the development of their energy resources. Grant funding may be used for a broad range of related activities, including training, education, developing inventories of tribal resources, developing tribal legal and governmental infrastructure to regulate environmental quality, and enforcing and monitoring Federal laws. The Secretary is also authorized to provide other forms of assistance to Indian tribes, such as technical assistance and training, and help with preparing and maintaining an inventory of tribal resources.

## 2. **Economic Development**

- a. **25 U.S.C. 305 *et seq.*** requires the Secretary (through the Indian Arts and Crafts Board) to research, provide technical assistance, register and issue trademarks, and otherwise promote Indian arts and crafts.
- b. **25 U.S.C. 3504** allows the Secretary to award grants to Indian tribes to develop and enforce tribal laws governing the development of their energy resources. Grant funding may be used for a broad range of related activities, including training, education, developing inventories of tribal resources, developing tribal legal and governmental infrastructure to regulate environmental quality, and enforcing and monitoring Federal laws. The Secretary is also authorized to provide other forms of assistance to Indian tribes, such as technical assistance and training, and help with preparing and maintaining an inventory of tribal resources.

## 3. **Education**

- a. **25 U.S.C. 309** allows the Secretary to establish various sorts of job training programs, and enter into contracts with other Federal, State, and local agencies, or private schools, corporations or associations, to fulfill program goals.
- b. **25 U.S.C. 2020** requires the Secretary, subject to appropriations, to provide grants and technical assistance to tribes for the development and operation of tribal departments or divisions of education, to plan and coordinate all educational programs of the tribe.
- c. **25 U.S.C. 2412** allows the Secretary to provide grants to Indian tribes for technical assistance for implementing and developing community and in-school training, education and prevention programs on alcohol and substance abuse, fetal alcohol syndrome, and fetal alcohol effect (25 U.S.C. 2412(f)).
- d. **25 U.S.C. 3113** authorizes BIA to conduct a forestry education outreach program for Indian and Alaska Native youth in consultation and coordination with Indian tribes and other appropriate local, State and Federal agencies. Forestry scholarships also are authorized under this law.

- e. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. These programs can include community education and training for social workers, law enforcement personnel, and legal and medical professionals.

#### 4. **Employment**

- a. **25 U.S.C. 309** allows the Secretary to establish various sorts of job training programs, and enter into contracts with other Federal, State, and local agencies, or private schools, corporations or associations, to fulfill program goals.

#### 5. **Energy**

- a. **25 U.S.C. 3504** allows the Secretary to award grants to Indian tribes to develop and enforce tribal laws governing the development of their energy resources. Grant funding may be used for a broad range of related activities, including training, education, developing inventories of tribal resources, developing tribal legal and governmental infrastructure to regulate environmental quality, and enforcing and monitoring Federal laws. The Secretary is also authorized to provide other forms of assistance to Indian tribes, such as technical assistance and training, and help with preparing and maintaining an inventory of tribal resources.
- b. **25 U.S.C. 3506** allows the Secretary to award grants to Indian tribal governments or private sector persons working with them, for the purpose of studying the adoption of energy efficiency and renewable energy projects on Indian reservations. The grants may cover the costs of technical assistance.

#### 6. **Environmental Protection**

- a. **25 U.S.C. 3112** provides for the establishment of a program of technical assistance for Alaska village and regional corporations to promote the sustained yield management of their forest resources. The program is the Alaska Native Technical Assistance Program.
- b. **25 U.S.C. 3504** allows the Secretary to award grants to Indian tribes to develop and enforce tribal laws governing the development of their energy resources. Grant funding may be used for a broad range of related activities, including training, education, developing inventories of tribal resources, developing tribal legal and governmental infrastructure to regulate environmental quality, and enforcing and monitoring Federal laws. The Secretary is also authorized to provide other forms of assistance to Indian tribes, such as technical assistance and training, and help with preparing and maintaining an inventory of tribal resources.

#### 7. **Health**

- a. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. These programs can include community education and training for medical professionals.

**8. Law Enforcement**

- a. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. These programs can include community education and training for law enforcement personnel and legal professionals.
- b. **25 U.S.C. 3504** allows the Secretary to award grants to Indian tribes to develop and enforce tribal laws governing the development of their energy resources. Grant funding may be used for a broad range of related activities, including training, education, developing inventories of tribal resources, developing tribal legal and governmental infrastructure to regulate environmental quality, and enforcing and monitoring Federal laws. The Secretary is also authorized to provide other forms of assistance to Indian tribes, such as technical assistance and training, and help with preparing and maintaining an inventory of tribal resources.

**9. Social Services**

- a. **25 U.S.C. 2412** allows the Secretary to provide grants to Indian tribes for technical assistance in the development of a Tribal Action Plan to combat alcohol and substance abuse among its members (25 U.S.C. 2412(d)), and for implementing and developing community and in-school training, education and prevention programs on alcohol and substance abuse, fetal alcohol syndrome, and fetal alcohol effect (25 U.S.C. 2412(f)).
- b. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. These programs can include community education and training for social workers, law enforcement personnel, and legal and medical professionals.

**II. ABILITY TO RECEIVE MONEY AND SERVICES**

**A. Authority to Charge Fees**

**1. General**

- a. **25 U.S.C. 14b** allows the Secretary to accept payments from the public for goods and services provided by BIA. Payments are credited to the appropriations account funding the goods and services.
- b. **25 U.S.C. 305a-1** allows the Indian Arts and Crafts Board to charge admission fees at its museums; charge rent and/or franchise fees for shops located in its museums; publish and sell publications; sell, rent or license images; license the use of designs; and charge for

consulting. All fees collected must go to a special fund to help the Indian Arts and Crafts Board carry out its mission.

- c. **25 U.S.C. 413** allows the Secretary to collect reasonable fees to cover the cost of work performed for tribes or individual Indians.

## 2. Use of Federal Property

- a. **25 U.S.C. 17** allows the Secretary to permit tribal governments and organizations and student organizations to use BIA equipment, land, buildings, and other structures if that use does not interfere with BIA's activities and when the use is beneficial to the Indians or Federal programs. The Secretary may charge a use fee, which is to be credited to the appropriations account funding the cost the fee is designed to defray (*e.g.*, utilities).

## B. Authority to Accept Gifts and Donations

### 1. General

- a. **25 U.S.C. 451** allows the Secretary to accept donations of funds or other property for Indian advancement and use the donations in accordance with their terms.
- b. **26 U.S.C. 170**: The U.S. Tax Code allows taxpayers to take a deduction for a "qualified real property interest" contributed to a charitable organization (including the BIA), exclusively for conservation purposes protected in perpetuity. [26 U.S.C. 170 is not a DOI or bureau specific authority *per se*; rather it authorizes a tax deduction by the donor provided that DOI or a bureau agrees to accept a property donation.]

### 2. Agriculture

- a. **25 U.S.C. 500c** allows the Secretary to receive gifts on behalf of Alaska natives to promote the reindeer industry.

### 3. Education

- a. **25 U.S.C. 458bbb et seq.** require the Secretary to establish the American Indian Education Foundation, a non-profit, federally-chartered charitable corporation whose mission is to encourage, accept and administer private gifts of real and personal property in support of the BIA's Office of Indian Education Programs. The Secretary may transfer to the Foundation funds held under 25 U.S.C. 451, if not prohibited by the terms of the donation. [See the program-related note, set forth above in C., 2., a., regarding the need for Congressional consideration of the name of the foundation.]
- b. **25 U.S.C. 2006(f)** allows the Director of the Office of Indian Education to accept gifts and bequests for the benefit and use of certain Indian schools or BIA education programs.

## C. The Authority to Use Non-Federal Workers or Volunteers

### 1. Economic Development

- a. **25 U.S.C. 305a-1** allows the Indian Arts and Crafts Board to accept volunteers to carry out its mission.

### 2. Law Enforcement

- a. **25 U.S.C. 2801 *et seq.* (the Indian Law Enforcement Reform Act)** allows the Secretary to enter into agreements for the use of personnel or facilities of a Federal, tribal, State, or other governmental agency to aid in the enforcement in Indian country of Federal or tribal laws (25 U.S.C. 2804).

## III. ABILITY TO SHARE RESPONSIBILITY

### A. Authority to Share or Transfer Federal Management (other than through the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 *et seq.*))

#### 1. General

- a. **25 U.S.C. 48** allows the Secretary to give a tribe supervisory authority over persons the Secretary hires for the tribe's benefit.

#### 2. Agriculture

- a. **25 U.S.C. 500h** allows the Secretary to delegate to Alaska native corporations, associations, or other organizations any or all of the Secretary's powers relating to the administration of the reindeer industry.
- b. **25 U.S.C. 3701 *et seq.* (the American Indian Agricultural Resource Management Act)** contains provisions that allow the Federal government and tribal governments to exercise concurrent jurisdiction over trespass to agricultural lands (25 U.S.C. 3713(c)), and authorize cooperative agreements between the Department of the Interior and Indian tribes for certain purposes, including the development and publication of cooperative education and resource planning materials, the improvement of land and facilities, and natural resource (*sic*) management and development (25 U.S.C. 3733).

#### 3. Education

- a. **25 U.S.C. 3101 *et seq.* (the National Indian Forest Resources Management Act)** contains a provision that allows cooperative agreements between the Department of the Interior and Indian tribes for certain purposes, including job training, and development and publication of cooperative environmental education materials (25 U.S.C. 3115).

- b. **25 U.S.C. 3701 *et seq.* (the American Indian Agricultural Resource Management Act)** contains provisions that authorize cooperative agreements between the Department of the Interior and Indian tribes for certain purposes, including job training, and development and publication of cooperative agricultural education materials (25 U.S.C. 3733).

#### 4. **Employment**

- a. **25 U.S.C. 3101 *et seq.* (the National Indian Forest Resources Management Act)** contains a provision that allows cooperative agreements between the Department of the Interior and Indian tribes for certain purposes, including cooperative manpower and job training and development programs (25 U.S.C. 3115).
- b. **25 U.S.C. 3701 *et seq.* (the American Indian Agricultural Resource Management Act)** contains provisions that authorize cooperative agreements between the Department of the Interior and Indian tribes for certain purposes, including cooperative manpower and job training (25 U.S.C. 3733).

#### 5. **Environmental Protection**

- a. **25 U.S.C. 3101 *et seq.* (the National Indian Forest Resources Management Act)** contains provisions that allow the Federal government and tribal governments to exercise concurrent jurisdiction over forest trespass matters (25 U.S.C. 3106(c)), provide for Secretarial compliance with tribal laws pertaining to Indian forest lands (including laws regulating the environment or historic or cultural preservation) (25 U.S.C. 3108), and authorize cooperative agreements between the Department of the Interior and Indian tribes for certain purposes (25 U.S.C. 3115).

#### 6. **Law Enforcement**

- a. **25 U.S.C. 3101 *et seq.* (the National Indian Forest Resources Management Act)** contains provisions that allow the Federal government and tribal governments to exercise concurrent jurisdiction over forest trespass matters (25 U.S.C. 3106(c)), provide for Secretarial compliance with tribal laws pertaining to Indian forest lands (including laws regulating the environment or historic or cultural preservation) (25 U.S.C. 3108), and authorize cooperative agreements between the Department of the Interior and Indian tribes for certain purposes (25 U.S.C. 3115).
- b. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. In addition to a transfer of these functions through the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 *et seq.*), the Secretary also may enter into intergovernmental or interagency agreements to provide for the coordination and cooperation of law enforcement agencies, courts, and other agencies.

- c. **25 U.S.C. 3701 *et seq.* (the American Indian Agricultural Resource Management Act)** contains provisions that allow the Federal government and tribal governments to exercise concurrent jurisdiction over trespass to agricultural lands (25 U.S.C. 3713(c)), and authorize cooperative agreements between the Department of the Interior and Indian tribes for certain purposes (25 U.S.C. 3733).

7. **Social Services**

- a. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. In addition to a transfer of these functions through the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 *et seq.*), the Secretary also may enter into intergovernmental or interagency agreements to provide for the coordination and cooperation of law enforcement agencies, courts, and other agencies.

B. **Authority to Enter into Cooperative Agreements**

1. **Agriculture**

- a. **25 U.S.C. 3701 *et seq.* (the American Indian Agricultural Resource Management Act)** contains a provision that allows cooperative agreements between the Department of the Interior and Indian tribes for certain purposes, including cooperative manpower and job training, development and publication of cooperative agricultural education and resource planning materials, and land and facility improvements (25 U.S.C. 3733).

2. **Education**

- a. **25 U.S.C. 3101 *et seq.* (the National Indian Forest Resources Management Act)** contains a provision that allows cooperative agreements between the Department of the Interior and Indian tribes for certain purposes, including job training, and development and publication of cooperative environmental education materials (25 U.S.C. 3115).
- b. **25 U.S.C. 3701 *et seq.* (the American Indian Agricultural Resource Management Act)** contains provisions that authorize cooperative agreements between the Department of the Interior and Indian tribes for certain purposes, including job training, and development and publication of cooperative agricultural education materials (25 U.S.C. 3733).

3. **Employment**

- a. **25 U.S.C. 3101 *et seq.* (the National Indian Forest Resources Management Act)** contains a provision that allows cooperative agreements between the Department of the Interior and Indian tribes for certain purposes, including cooperative manpower and job training and development programs (25 U.S.C. 3115).



- b. **25 U.S.C. 3701 *et seq.* (the American Indian Agricultural Resource Management Act)** contains provisions that authorize cooperative agreements between the Department of the Interior and Indian tribes for certain purposes, including cooperative manpower and job training (25 U.S.C. 3733).

4. **Law Enforcement**

- a. **25 U.S.C. 2801 *et seq.* (the Indian Law Enforcement Reform Act)** allows the Secretary to enter into agreements for the use of personnel or facilities of a Federal, tribal, State, or other governmental agency to aid in the enforcement in Indian country of Federal or tribal laws (25 U.S.C. 2804).
- b. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. The Secretary may enter into intergovernmental or interagency agreements to provide for the coordination and cooperation of law enforcement agencies, courts, and other agencies.

5. **Natural Resources**

- a. **25 U.S.C. 3101 *et seq.* (the National Indian Forest Resources Management Act)** contains a provision that allows cooperative agreements between the Department of the Interior and Indian tribes for certain purposes, including cooperative manpower and job training and development programs, development and publication of cooperative environmental education and natural resource planning materials, and land and facility improvements (25 U.S.C. 3115).

6. **Social Services**

- a. **25 U.S.C. 3210** requires the Secretary to establish and fund Indian child protection and family violence prevention programs on Indian reservations. The Secretary may enter into intergovernmental or interagency agreements to provide for the coordination and cooperation of law enforcement agencies, courts, and other agencies.