

**TITLE 25 - INDIANS****CHAPTER 14 - MISCELLANEOUS****SUBCHAPTER II - INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE****Part A - Indian Self-Determination****§ 450m–1. Contract disputes and claims****(a) Civil actions; concurrent jurisdiction; relief**

The United States district courts shall have original jurisdiction over any civil action or claim against the appropriate Secretary arising under this subchapter and, subject to the provisions of subsection (d) of this section and concurrent with the United States Court of Claims, over any civil action or claim against the Secretary for money damages arising under contracts authorized by this subchapter. In an action brought under this paragraph, the district courts may order appropriate relief including money damages, injunctive relief against any action by an officer of the United States or any agency thereof contrary to this subchapter or regulations promulgated thereunder, or mandamus to compel an officer or employee of the United States, or any agency thereof, to perform a duty provided under this subchapter or regulations promulgated hereunder (including immediate injunctive relief to reverse a declination finding under section 450f (a)(2) of this title or to compel the Secretary to award and fund an approved self-determination contract).

**(b) Revision of contracts**

The Secretary shall not revise or amend a self-determination contract with a tribal organization without the tribal organization's consent.

**(c) Application of laws to administrative appeals**

The Equal Access to Justice Act (Public<sup>1</sup> Law 96–481, Act of October 1,<sup>1</sup> 1980; 92<sup>1</sup> Stat. 2325, as amended), section 504 of title 5, and section 2412 of title 28 shall apply to administrative appeals pending on or filed after October 5, 1988, by tribal organizations regarding self-determination contracts.

**(d) Application of Contract Disputes Act**

The Contract Disputes Act (Public Law 95–563, Act of November 1, 1978; 92 Stat. 2383, as amended) [41 U.S.C. 601 et seq.] shall apply to self-determination contracts, except that all administrative appeals relating to such contracts shall be heard by the Interior Board of Contract Appeals established pursuant to section 8 of such Act (41 U.S.C. 607).

**(e) Application of subsection (d)**

Subsection (d) of this section shall apply to any case pending or commenced on or after March 17, 1986, before the Boards of Contract Appeals of the Department of the Interior or the Department of Health and Human Services except that in any such cases finally disposed of before October 5, 1988, the thirty-day period referred to in section 504 (a)(2) of title 5 shall be deemed to commence on October 5, 1988.

**Footnotes**

<sup>1</sup> So in original. Probably should be “Public”, “21”, and “94”, respectively.

(Pub. L. 93–638, title I, § 110, as added Pub. L. 100–472, title II, § 206(a), Oct. 5, 1988, 102 Stat. 2294; amended Pub. L. 100–581, title II, § 212, Nov. 1, 1988, 102 Stat. 2941; Pub. L. 101–301, §§ 1(a)(2), 2 (b), May 24, 1990, 104 Stat. 206, 207; Pub. L. 103–413, title I, § 104(2), (3), Oct. 25, 1994, 108 Stat. 4268.)

**References in Text**

The Equal Access to Justice Act, referred to in subsec. (c), is Pub. L. 96–481, title II, Oct. 21, 1980, 94 Stat. 2325. For complete classification of this Act to the Code, see Short Title note set out under section 504 of Title 5, Government Organization and Employees, and Tables.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 8, 2008 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

The Contract Disputes Act of 1978, referred to in subsec. (d), is Pub. L. 95-563, Nov. 1, 1978, 92 Stat. 2383, as amended, which is classified principally to chapter 9 (§ 601 et seq.) of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 41 and Tables.

October 5, 1988, referred to in subsec. (e), was in the original “the date of enactment of these amendments” and “the date of enactment of this subsection”, meaning the date of enactment of the Indian Self-Determination and Education Assistance Act Amendments of 1988, Pub. L. 100-472, which enacted this section.

### **Prior Provisions**

A prior section 110 of Pub. L. 93-638 was renumbered section 111 by Pub. L. 100-472 and is classified to section 450n of this title.

### **Amendments**

1994—Subsec. (a). Pub. L. 103-413, § 104(2), inserted before period at end “(including immediate injunctive relief to reverse a declination finding under section 450f (a)(2) of this title or to compel the Secretary to award and fund an approved self-determination contract)”.

Subsec. (d). Pub. L. 103-413, § 104(3), inserted before period at end “, except that all administrative appeals relating to such contracts shall be heard by the Interior Board of Contract Appeals established pursuant to section 8 of such Act (41 U.S.C. 607)”.

1990—Subsec. (a). Pub. L. 101-301, § 1(a)(2), made technical correction to directory language of Pub. L. 100-581, § 212(a). See 1988 Amendment note below.

Subsec. (b). Pub. L. 101-301, § 2(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Unless otherwise agreed to by the resolution of tribal organization, the Secretary shall not revise or amend a self-determination contract with such tribal organization.”

Subsec. (c). Pub. L. 101-301, § 1(a)(2), made technical correction to directory language of Pub. L. 100-581, § 212(c). See 1988 Amendment note below.

1988—Subsec. (a). Pub. L. 100-581, § 212(a), as amended by Pub. L. 101-301, § 1(a)(2), substituted “over any civil action” for “over civil action” after “Court of Claims.”

Subsec. (b). Pub. L. 100-581, § 212(b), substituted “of tribal organization” for “of an Indian tribe” and “such tribal organization” for “such tribe”.

Subsec. (c). Pub. L. 100-581, § 212(c), as amended by Pub. L. 101-301, § 1(a)(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Equal Access to Justice Act (Public Law 96-481, Act of October 1 [21], 1980; 94 Stat. 2325, as amended) shall apply to administrative appeals by tribal organizations regarding self-determination contracts.”