

use funds appropriated for similar programs of the Department of Health and Human Services: *Provided*, That authority to make payments pursuant to such agreements shall be effective only to the extent and in such amounts as may be provided in advance by appropriation Acts.

(b) Appropriation authorization under section 13 of this title

Funds for the purposes of this chapter may be appropriated pursuant to the provisions of section 13 of this title.

(Pub. L. 95-608, title II, §203, Nov. 8, 1978, 92 Stat. 3076; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

“Secretary of Health and Human Services” and “Department of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” and “Department of Health, Education, and Welfare”, respectively, in subsec. (a) pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

§ 1934. “Indian” defined for certain purposes

For the purposes of sections 1932 and 1933 of this title, the term “Indian” shall include persons defined in section 1603(c)¹ of this title.

(Pub. L. 95-608, title II, §204, Nov. 8, 1978, 92 Stat. 3077.)

REFERENCES IN TEXT

Section 1603(c) of this title, referred to in text, was redesignated section 1603(13) of this title by Pub. L. 111-148, title X, §10221(a), Mar. 23, 2010, 124 Stat. 935.

SUBCHAPTER III—RECORDKEEPING, INFORMATION AVAILABILITY, AND TIME-TABLES

§ 1951. Information availability to and disclosure by Secretary

(a) Copy of final decree or order; other information; anonymity affidavit; exemption from Freedom of Information Act

Any State court entering a final decree or order in any Indian child adoptive placement after November 8, 1978, shall provide the Secretary with a copy of such decree or order together with such other information as may be necessary to show—

- (1) the name and tribal affiliation of the child;
- (2) the names and addresses of the biological parents;
- (3) the names and addresses of the adoptive parents; and
- (4) the identity of any agency having files or information relating to such adoptive placement.

Where the court records contain an affidavit of the biological parent or parents that their identity remain confidential, the court shall include such affidavit with the other information. The Secretary shall insure that the confidentiality of such information is maintained and such information shall not be subject to the Freedom of Information Act (5 U.S.C. 552), as amended.

¹ See References in Text note below.

(b) Disclosure of information for enrollment of Indian child in tribe or for determination of member rights or benefits; certification of entitlement to enrollment

Upon the request of the adopted Indian child over the age of eighteen, the adoptive or foster parents of an Indian child, or an Indian tribe, the Secretary shall disclose such information as may be necessary for the enrollment of an Indian child in the tribe in which the child may be eligible for enrollment or for determining any rights or benefits associated with that membership. Where the documents relating to such child contain an affidavit from the biological parent or parents requesting anonymity, the Secretary shall certify to the Indian child's tribe, where the information warrants, that the child's parentage and other circumstances of birth entitle the child to enrollment under the criteria established by such tribe.

(Pub. L. 95-608, title III, §301, Nov. 8, 1978, 92 Stat. 3077.)

§ 1952. Rules and regulations

Within one hundred and eighty days after November 8, 1978, the Secretary shall promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 95-608, title III, §302, Nov. 8, 1978, 92 Stat. 3077.)

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

§ 1961. Locally convenient day schools

(a) Sense of Congress

It is the sense of Congress that the absence of locally convenient day schools may contribute to the breakup of Indian families.

(b) Report to Congress; contents, etc.

The Secretary is authorized and directed to prepare, in consultation with appropriate agencies in the Department of Health and Human Services, a report on the feasibility of providing Indian children with schools located near their homes, and to submit such report to the Select Committee on Indian Affairs of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives within two years from November 8, 1978. In developing this report the Secretary shall give particular consideration to the provision of educational facilities for children in the elementary grades.

(Pub. L. 95-608, title IV, §401, Nov. 8, 1978, 92 Stat. 3078; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

“Department of Health and Human Services” substituted for “Department of Health, Education, and Welfare” in subsec. (b), pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

Select Committee on Indian Affairs of the Senate redesignated Committee on Indian Affairs of the Senate by section 25 of Senate Resolution No. 71, Feb. 25, 1993, One Hundred Third Congress.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on

Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 1962. Copies to the States

Within sixty days after November 8, 1978, the Secretary shall send to the Governor, chief justice of the highest court of appeal, and the attorney general of each State a copy of this chapter, together with committee reports and an explanation of the provisions of this chapter.

(Pub. L. 95-608, title IV, §402, Nov. 8, 1978, 92 Stat. 3078.)

§ 1963. Severability

If any provision of this chapter or the applicability thereof is held invalid, the remaining provisions of this chapter shall not be affected thereby.

(Pub. L. 95-608, title IV, §403, Nov. 8, 1978, 92 Stat. 3078.)

CHAPTER 22—BUREAU OF INDIAN AFFAIRS PROGRAMS

Sec.	
2000.	Declaration of policy.
2001.	Accreditation for the basic education of Indian children in Bureau of Indian Affairs schools.
2002.	National criteria for home-living situations.
2003.	Codification of regulations.
2004.	School boundaries.
2005.	Facilities construction.
2006.	Bureau of Indian Affairs education functions.
2007.	Allotment formula.
2008.	Administrative cost grants.
2009.	Division of Budget Analysis.
2010.	Uniform direct funding and support.
2011.	Policy for Indian control of Indian education.
2012.	Indian education personnel.
2013.	Computerized management information system.
2014.	Recruitment of Indian educators.
2015.	Annual report; audits.
2016.	Rights of Indian students.
2017.	Regulations.
2018.	Regional meetings and negotiated rule-making.
2019.	Early childhood development program.
2020.	Tribal departments or divisions of education.
2021.	Definitions.

CODIFICATION

Part B of title XI of the Education Amendments of 1978, comprising this chapter, was originally enacted as part B of title XI of Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2316, and amended by 1978 Reorg. Plan No. 2, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96-46, Aug. 6, 1979, 93 Stat. 338; Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668; Pub. L. 97-375, Dec. 21, 1982, 96 Stat. 1819; Pub. L. 98-511, Oct. 19, 1984, 98 Stat. 2366; Pub. L. 99-89, Aug. 15, 1985, 99 Stat. 379; Pub. L. 99-228, Dec. 28, 1985, 99 Stat. 1747; Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207; Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 130; Pub. L. 100-427, Sept. 9, 1988, 102 Stat. 1603; Pub. L. 101-301, May 24, 1990, 104 Stat. 206; Pub. L. 102-531, Oct. 27, 1992, 106 Stat. 3469; Pub. L. 103-382, Oct. 20, 1994, 108 Stat. 3518; Pub. L. 104-134, Apr. 26, 1996, 110 Stat. 1321; Pub. L. 104-140, May 2, 1996, 110 Stat. 1327; Pub. L. 105-244, Oct. 7, 1998, 112 Stat. 1581; Pub. L. 105-362, Nov. 10, 1998, 112 Stat. 3280; Pub. L. 106-554, Dec. 21, 2000, 114 Stat. 2763. Part B of title XI of the Act is shown herein, however, as having been added by Pub. L. 107-110 without reference to such intervening amendments because of the extensive amendment of the part's provisions by Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2007.

§ 2000. Declaration of policy

Congress declares that the Federal Government has the sole responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that it has established on or near Indian reservations and Indian trust lands throughout the Nation for Indian children. It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children and for the operation and financial support of the Bureau of Indian Affairs-funded school system to work in full cooperation with tribes toward the goal of ensuring that the programs of the Bureau of Indian Affairs-funded school system are of the highest quality and provide for the basic elementary and secondary educational needs of Indian children, including meeting the unique educational and cultural needs of those children.

(Pub. L. 95-561, title XI, §1120, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2007.)

EFFECTIVE DATE

Chapter effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as a note under section 6301 of Title 20, Education.

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-110, title X, §1041, Jan. 8, 2002, 115 Stat. 2007, provided that: "This part [part D (§§1041-1045) of title X of Pub. L. 107-110, enacting this chapter and sections 2501 to 2511 of this title, amending section 13d-2 of this title, and repealing former sections 2501 to 2511 of this title] may be cited as the 'Native American Education Improvement Act of 2001'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-297, title V, §5101, Apr. 28, 1988, 102 Stat. 363, provided that: "This part [part A (§§5101-5120) of title V of Pub. L. 100-297, enacting sections 2008a, 2022a, and 2022b of this title, amending sections 2001 to 2005, 2008 to 2011, and 2019 of this title, repealing section 241bb-1 of Title 20, Education, enacting provisions set out as notes under section 2011 of this title and section 1411 of Title 20, and repealing provisions set out as a note under section 241aa of Title 20] may be cited as the 'Indian Education Amendments of 1988'."

SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99-89, §1(a), Aug. 15, 1985, 99 Stat. 379, provided that: "This Act [amending sections 2001, 2004, 2006, 2008, 2009, 2016, 2020, 2021, and 2022 of this title, repealing section 2023 of this title, and enacting provisions formerly set out as a note under section 2001 of this title] may be cited as the 'Indian Education Technical Amendments Act of 1985'."

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-511, title V, §501(a), Oct. 19, 1984, 98 Stat. 2391, provided that: "This title [enacting sections 2000 to 2023 of this title, amending sections 2001, 2004, 2006, 2008, 2009, 2011, 2012, 2016, 2018 of this title, and sections 241aa to 241ff, 1211a, 1221g, 3385, 3385a, and 3385b of Title 20, Education, and enacting provisions set out as a note under section 241ff of Title 20] may be cited as the 'Indian Education Amendments of 1984'."

BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS

Pub. L. 112-74, div. E, title I, §115, Dec. 23, 2011, 125 Stat. 1009, provided that:

"(a)(1) Notwithstanding any other provision of law or Federal regulation, including section 586(c) of title 40,