

school board and education line officer for an Agency education position, the Secretary [of the Interior] shall establish adjustments to the rates of basic compensation or annual salary rates established under [former] 25 U.S.C. 2012(h)(1)(A) and (B) for education positions at the school or the Agency, at a level not less than that for comparable positions in the nearest public school district, and the adjustment shall be deemed to be a change to basic pay and shall not be subject to collective bargaining: *Provided further*, That any reduction to rates of basic compensation or annual salary rates below the rates established under [former] 25 U.S.C. 2012(h)(1)(A) and (B) shall apply only to educators appointed after June 30, 1997, and shall not affect the right of an individual employed on June 30, 1997, in an education position, to receive the compensation attached to such position under [former] 25 U.S.C. 2012(h)(1)(A) and (B) so long as the individual remains in the same position at the same school''.

Similar provisions were contained in the following prior appropriation act:

Pub. L. 104-134, title I, §101(c) [title I], Apr. 26, 1996, 110 Stat. 1321-156, 1321-171; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 105-83, title I, Nov. 14, 1997, 111 Stat. 1555, provided in part: "That beginning in fiscal year 1998 and thereafter and notwithstanding [former] 25 U.S.C. 2012(h)(1)(B) [see now 25 U.S.C. 2012(g)(1)(B)], when the rates of basic compensation for teachers and counselors at Bureau-operated schools are established at the rates of basic compensation applicable to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act [20 U.S.C. 901 et seq.], such rates shall become effective with the start of the next academic year following the issuance of the Department of Defense salary schedule and shall not be effected retroactively''.

Similar provisions were contained in the following prior appropriation act:

Pub. L. 104-208, div. A, title I, §101(d) [title I], Sept. 30, 1996, 110 Stat. 3009-181, 3009-193.

§ 2013. Computerized management information system

(a) In general

Not later than 12 months after January 8, 2002, the Secretary shall update the computerized management information system within the Office. The information to be updated shall include information regarding—

- (1) student enrollment;
- (2) curricula;
- (3) staffing;
- (4) facilities;
- (5) community demographics;
- (6) student assessment information;
- (7) information on the administrative and program costs attributable to each Bureau program, divided into discrete elements;
- (8) relevant reports;
- (9) personnel records;
- (10) finance and payroll; and
- (11) such other items as the Secretary determines to be appropriate.

(b) Implementation of system

Not later than July 1, 2003, the Secretary shall complete the implementation of the updated computerized management information system at each Bureau field office and Bureau-funded school.

(Pub. L. 95-561, title XI, §1133, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2055.)

PRIOR PROVISIONS

A prior section 2013, Pub. L. 95-561, title XI, §1133, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108

Stat. 4010, related to management information system, prior to the general amendment of this chapter by Pub. L. 107-110.

Another prior section 2013, Pub. L. 95-561, title XI, §1133, Nov. 1, 1978, 92 Stat. 2327, related to Bureau education policies, practices, and procedures, prior to the general amendment of this chapter by Pub. L. 103-382.

§ 2014. Recruitment of Indian educators

The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

(Pub. L. 95-561, title XI, §1134, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2055.)

PRIOR PROVISIONS

A prior section 2014, Pub. L. 95-561, title XI, §1134, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4010, related to Bureau education policies, prior to the general amendment of this chapter by Pub. L. 107-110.

Another prior section 2014, Pub. L. 95-561, title XI, §1134, Nov. 1, 1978, 92 Stat. 2327, related to uniform education procedures and practices by Bureau divisions, prior to the general amendment of this chapter by Pub. L. 103-382.

§ 2015. Annual report; audits

(a) Annual reports

The Secretary shall submit to each appropriate committee of Congress, all Bureau-funded schools, and the tribal governing bodies of such schools, a detailed annual report on the state of education within the Bureau, and any problems encountered in Indian education during the period covered by the report, that includes—

- (1) suggestions for the improvement of the Bureau educational system and for increasing tribal or local Indian control of such system; and
- (2) information on the status of tribally controlled community colleges.

(2) information on the status of tribally controlled community colleges.

(b) Budget request

The annual budget request for the education programs of the Bureau, as submitted as part of the President's next annual budget request under section 1105 of title 31 shall include the plans required by sections 2001(c), 2002(c), and 2004(c)¹ of this title.

(c) Financial and compliance audits

The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits, based upon the extent to which a school described in subsection (a) of this section has complied with the local financial plan under section 2010 of this title, are conducted of each Bureau-operated school at least once every 3 years.

(d) Administrative evaluation of schools

The Director shall, at least once every 3 to 5 years, conduct a comprehensive evaluation of Bureau-operated schools. Such evaluation shall be in addition to any other program review or evaluation that may be required under Federal law.

¹ So in original. Probably should be "2005(c)".

(Pub. L. 95-561, title XI, §1135, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2056.)

PRIOR PROVISIONS

A prior section 2015, Pub. L. 95-561, title XI, §1135, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4010, related to uniform education procedures and practices, prior to the general amendment of this chapter by Pub. L. 107-110.

Another prior section 2015, Pub. L. 95-561, title XI, §1135, Nov. 1, 1978, 92 Stat. 2327, related to recruitment policy for Indian educators and promotion plan for Bureau employees, prior to the general amendment of this chapter by Pub. L. 103-382.

§ 2016. Rights of Indian students

The Secretary shall prescribe such rules and regulations as are necessary to ensure the constitutional and civil rights of Indian students attending Bureau-funded schools, including such students' rights to—

- (1) privacy under the laws of the United States;
- (2) freedom of religion and expression; and
- (3) due process in connection with disciplinary actions, suspensions, and expulsions.

(Pub. L. 95-561, title XI, §1136, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2056.)

PRIOR PROVISIONS

A prior section 2016, Pub. L. 95-561, title XI, §1136, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4010, related to recruitment of Indian educators, prior to the general amendment of this chapter by Pub. L. 107-110. See section 2014 of this title.

Another prior section 2016, Pub. L. 95-561, title XI, §1136, Nov. 1, 1978, 92 Stat. 2327; Pub. L. 97-375, title II, §208(b), Dec. 21, 1982, 96 Stat. 1825; Pub. L. 98-511, title V, §509, Oct. 19, 1984, 98 Stat. 2397; Pub. L. 99-89, §7, Aug. 15, 1985, 99 Stat. 383, related to annual reports to Congressional committees and audits, prior to the general amendment of this chapter by Pub. L. 103-382.

A prior section 2016a, Pub. L. 100-297, title VI, §6210, Apr. 28, 1988, 102 Stat. 427, directed Assistant Secretary of the Interior for Bureau of Indian Affairs to submit to appropriate committees of Congress, the President, and the Secretary by September 30 of every other year a report on education of Indian children, prior to repeal by Pub. L. 100-427, §27, Sept. 9, 1988, 102 Stat. 1614.

§ 2017. Regulations

(a) Promulgation

(1) In general

The Secretary may promulgate only such regulations—

- (A) as are necessary to ensure compliance with the specific provisions of this chapter; and
- (B) as the Secretary is authorized to promulgate pursuant to section 2510 of this title.¹

(2) Publication

In promulgating the regulations, the Secretary shall—

- (A) publish proposed regulations in the Federal Register; and
- (B) provide a period of not less than 120 days for public comment and consultation on the regulations.

(3) Citation

The regulations shall contain, immediately following each regulatory section, a citation

to any statutory provision providing authority to promulgate such regulatory section.

(b) Miscellaneous

The provisions of this Act shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of this Act and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

(Pub. L. 95-561, title XI, §1137, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2056.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), means Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2143, as amended, known as the Education Amendments of 1978. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 6301 of Title 20, Education, and Tables.

PRIOR PROVISIONS

A prior section 2017, Pub. L. 95-561, title XI, §1137, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4011; amended Pub. L. 105-244, title IX, §901(d), Oct. 7, 1998, 112 Stat. 1828; Pub. L. 105-362, title VIII, §801(c)(4), Nov. 10, 1998, 112 Stat. 3288, related to biennial report, prior to the general amendment of this chapter by Pub. L. 107-110. See section 2015 of this title.

Another prior section 2017, Pub. L. 95-561, title XI, §1137, Nov. 1, 1978, 92 Stat. 2327, related to constitutional and civil rights of Indian children attending Bureau schools, prior to the general amendment of this chapter by Pub. L. 103-382.

§ 2018. Regional meetings and negotiated rule-making

(a) Regional meetings

Prior to publishing any proposed regulations under subsection (b)(1) of this section, and prior to establishing the negotiated rulemaking committee under subsection (b)(3) of this section, the Secretary shall convene regional meetings to consult with personnel of the Office of Indian Education Programs, educators at Bureau schools, and tribal officials, parents, teachers, administrators, and school board members of tribes served by Bureau-funded schools to provide guidance to the Secretary on the content of regulations authorized to be promulgated under this chapter and the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.].

(b) Negotiated rulemaking

(1) In general

Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary shall promulgate regulations authorized under subsection (a) of this section and under the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.], in accordance with the negotiated rulemaking procedures provided for under subchapter III of chapter 5 of title 5, and shall publish final regulations in the Federal Register.

(2) Notification to Congress

If draft regulations implementing this chapter and the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.] are not promulgated in final form within 18 months after January 8, 2002, the Secretary shall notify the appropriate committees of Congress of which draft regulations were not promulgated in

¹ So in original. Probably should be section "2509".