

Bureau of Indian Affairs or tribal law enforcement or judicial personnel involving Indians where it is determined that alcohol or substance abuse is a contributing factor.

(b) Referral of data

The data compiled pursuant to subsection (a) shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a Tribal Action Plan and shall also be submitted to the Indian Health Service¹ unit director who will have the responsibility for compiling a tribal comprehensive report as provided in section 2477² of this title.

(c) Confidentiality

In carrying out this section, the Secretary shall insure that the data is compiled and reported in a manner which will preserve the confidentiality of the families and individuals involved.

(Pub. L. 99-570, title IV, §4222, Oct. 27, 1986, 100 Stat. 3207-148.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (a), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, which is classified principally to subchapter I (§5321 et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

Section 2477 of this title, referred to in subsec. (b), was repealed by Pub. L. 102-573, title VII, §702(b)(2), Oct. 29, 1992, 106 Stat. 4582.

SUBCHAPTER VI—INDIAN ALCOHOL AND SUBSTANCE ABUSE TREATMENT AND REHABILITATION

§ 2471. Transferred

CODIFICATION

Section, Pub. L. 99-570, title IV, §4224, Oct. 27, 1986, 100 Stat. 3207-148, which related to review of programs providing health services and benefits to Indians, was renumbered section 4208A of Pub. L. 99-570 by Pub. L. 102-573, title VII, §702(b)(1), Oct. 29, 1992, 106 Stat. 4582, and transferred to section 2414a of this title.

§§ 2472 to 2478. Repealed. Pub. L. 102-573, title VII, § 702(b)(2), Oct. 29, 1992, 106 Stat. 4582

Section 2472, Pub. L. 99-570, title IV, §4225, Oct. 27, 1986, 100 Stat. 3207-148, related to responsibilities of Indian Health Service for alcohol and substance abuse prevention and treatment.

Section 2473, Pub. L. 99-570, title IV, §4226, Oct. 27, 1986, 100 Stat. 3207-149; Pub. L. 100-690, title II, §2217, Nov. 18, 1988, 102 Stat. 4222, provided for program of alcohol and substance abuse prevention and treatment through Indian Health Service.

Section 2474, Pub. L. 99-570, title IV, §4227, Oct. 27, 1986, 100 Stat. 3207-149; Pub. L. 100-690, title II, §2212, Nov. 18, 1988, 102 Stat. 4219; Pub. L. 101-630, title V, §509(a), Nov. 28, 1990, 104 Stat. 4567, provided for Indian Health Service program of alcohol and substance abuse detoxification and rehabilitation for Indian youth.

Section 2475, Pub. L. 99-570, title IV, §4228, Oct. 27, 1986, 100 Stat. 3207-150; Pub. L. 100-690, title II, §2213, Nov. 18, 1988, 102 Stat. 4220, provided for program of training and community education about alcohol and substance abuse.

¹ So in original. Probably should be followed by "service".

² See References in Text note below.

Section 2476, Pub. L. 99-570, title IV, §4229, Oct. 27, 1986, 100 Stat. 3207-152; Pub. L. 100-690, title II, §2214, Nov. 18, 1988, 102 Stat. 4220, provided for establishment of Navajo alcohol rehabilitation demonstration program.

Section 2477, Pub. L. 99-570, title IV, §4230, Oct. 27, 1986, 100 Stat. 3207-152, related to compilation of data and preparation of reports on cases of alcohol or substance abuse in which Indian Health Service personnel or services were involved.

Section 2478, Pub. L. 99-570, title IV, §4231, as added Pub. L. 100-690, title II, §2215, Nov. 18, 1988, 102 Stat. 4221, authorized grants for alcohol and substance abuse prevention and treatment in urban centers.

CHAPTER 27—TRIBALLY CONTROLLED SCHOOL GRANTS

Sec.

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§ 2501. Declaration of policy

(a) Recognition

Congress recognizes that the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.], which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step toward tribal and community control and that the United States has an obligation to assure maximum Indian participation in the direction of educational services so as to render the persons administering such services and the services themselves more responsive to the needs and desires of Indian communities.

(b) Commitment

Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children through the establishment of a meaningful Indian self-determination policy for education that will deter further perpetuation of Federal bureaucratic domination of programs.

(c) National goal

Congress declares that a national goal of the United States is to provide the resources, processes, and structure that will enable tribes and local communities to obtain the quantity and quality of educational services and opportunities that will permit Indian children—

(1) to compete and excel in areas of their choice; and

(2) to achieve the measure of self-determination essential to their social and economic well-being.

(d) Educational needs

Congress affirms—

(1) true self-determination in any society of people is dependent upon an educational process that will ensure the development of qualified people to fulfill meaningful leadership roles;

(2) that Indian people have special and unique educational needs, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities; and

(3) that those needs may best be met through a grant process.

(e) Federal relations

Congress declares a commitment to the policies described in this section and support, to the full extent of congressional responsibility, for Federal relations with the Indian nations.

(f) Termination

Congress repudiates and rejects House Concurrent Resolution 108 of the 83d Congress and any policy of unilateral termination of Federal relations with any Indian nation.

(Pub. L. 100-297, title V, § 5202, as added Pub. L. 107-110, title X, § 1043, Jan. 8, 2002, 115 Stat. 2063.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (a), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to chapter 46 (§ 5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

House Concurrent Resolution 108 of the 83rd Congress, referred to in subsec. (f), is H. Con. Res. 108, Eighty-third Congress, Aug. 1, 1953, 67 Stat. B132, which is not classified to the Code.

PRIOR PROVISIONS

A prior section 2501, Pub. L. 100-297, title V, § 5202, Apr. 28, 1988, 102 Stat. 385, set forth findings, prior to repeal by Pub. L. 107-110, title X, § 1043, Jan. 8, 2002, 115 Stat. 2063.

EFFECTIVE DATE

Section 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

Pub. L. 100-297, title V, § 5201, Apr. 28, 1988, 102 Stat. 385, provided that: "This part [part B (§§ 5201-5212) of title V of Pub. L. 100-297, enacting this chapter] may be cited as the 'Tribally Controlled Schools Act of 1988'."

TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM

Pub. L. 108-7, div. F, title I, § 122, Feb. 20, 2003, 117 Stat. 241, as amended by Pub. L. 108-108, title I, § 136(a), Nov. 10, 2003, 117 Stat. 1270, provided that:

"(a) DEFINITIONS.—In this section:

"(1) CONSTRUCTION.—The term 'construction', with respect to a tribally controlled school, includes the construction or renovation of that school.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) [now 25 U.S.C. 5304(e)].

"(3) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(4) TRIBALLY CONTROLLED SCHOOL.—The term 'tribally controlled school' means a school that currently receives a grant under the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2501 et seq.)

or is determined by the Secretary to meet the eligibility criteria of section 5205 of the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2504).

"(5) DEPARTMENT.—The term 'Department' means the Department of the Interior.

"(6) DEMONSTRATION PROGRAM.—The term 'demonstration program' means the Tribal School Construction Demonstration Program.

"(b) IN GENERAL.—The Secretary shall carry out a demonstration program for fiscal years 2003 through 2007 to provide grants to Indian tribes for the construction of tribally controlled schools.

"(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that applications for funding to replace schools currently receiving funding for facility operation and maintenance from the Bureau of Indian Affairs receive the highest priority for grants under this section. Among such applications, the Secretary shall give priority to applications of Indian tribes that agree to fund all future facility operation and maintenance costs of the tribally controlled school funded under the demonstration program from other than Federal funds.

"(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

"(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

"(B) be in such form as the Secretary determines appropriate.

"(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

"(A) the costs of construction under the grant;

"(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

"(C) any other term or condition that the Secretary determines to be appropriate.

"(4) ELIGIBILITY.—Grants awarded under the demonstration program shall be used only for construction or replacement of a tribally controlled school.

"(c) EFFECT OF GRANT.—(1) Except as provided in paragraph (2) of this subsection, A [sic] grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) [now 25 U.S.C. 5301 et seq.].

"(2) A tribe receiving a grant for construction of a tribally controlled school under this section shall not be eligible to receive funding from the Bureau of Indian Affairs for that school for education operations or facility operation and maintenance if the school that was not at the time of the grant: (i) a school receiving funding for education operations or facility operation and maintenance under the Tribally Controlled Schools Act [25 U.S.C. 2501 et seq.] or the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.] or (ii) a school operated by the Bureau of Indian Affairs.

"(d) REPORT.—At the conclusion of the five-year demonstration program, the Secretary shall report to Congress as to whether the demonstration program has achieved its purposes of providing additional tribes fair opportunities to construct tribally controlled schools, accelerating construction of needed educational facilities in Indian Country, and permitting additional funds to be provided for the Department's priority list for construction of replacement educational facilities."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 107-63, title I, § 125, Nov. 5, 2001, 115 Stat. 440.
 Pub. L. 106-291, title I, § 153, Oct. 11, 2000, 114 Stat. 960.

§ 2502. Grants authorized

(a) In general

(1) Eligibility

The Secretary shall provide grants to Indian tribes, and tribal organizations that—

(A) operate contract schools under title XI of the Education Amendments of 1978 [25 U.S.C. 2000 et seq.] and notify the Secretary of their election to operate the schools with assistance under this chapter rather than continuing the schools as contract schools;

(B) operate other tribally controlled schools eligible for assistance under this chapter and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

(C) elect to assume operation of Bureau-funded schools with the assistance under this chapter and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.

(2) Deposit of funds

Grants provided under this chapter shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is made.

(3) Use of funds

(A) In general

Except as otherwise provided in this paragraph, grants provided under this chapter shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education related activities for which any funds that compose the grant may be used under the laws described in section 2504(a) of this title, including expenditures for—

(i) school operations, academic, educational, residential, guidance and counseling, and administrative purposes; and

(ii) support services for the school, including transportation.

(B) Exception

Grants provided under this chapter may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operations and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 2504(a) of this title.

(b) Limitations

(1) One grant per tribe or organization per fiscal year

Not more than one grant may be provided under this chapter with respect to any Indian tribe or tribal organization for any fiscal year.

(2) Nonsectarian use

Funds provided under any grant made under this chapter may not be used in connection

with religious worship or sectarian instruction.

(3) Administrative costs limitation

Funds provided under any grant under this chapter may not be expended for administrative costs (as defined in section 1128(h)(1) of the Education Amendments of 1978 [25 U.S.C. 2008(h)(1)]) in excess of the amount generated for such costs under section 1128 of such Act.

(c) Limitation on transfer of funds among school sites

(1) In general

In the case of a grantee that operates schools at more than one school site, the grantee may expend at any school site operated by the grantee not more than the lesser of—

(A) 10 percent of the funds allocated for another school site under section 1128 of the Education Amendments of 1978 [25 U.S.C. 2008]; or

(B) \$400,000 of the funds allocated for another school site.

(2) Definition of school site

For purposes of this subsection, the term “school site” means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract or grant with, the Bureau for which a discreet¹ student count is identified under the funding formula established under section 1127 of the Education Amendments of 1978 [25 U.S.C. 2007].

(d) No requirement to accept grants

Nothing in this chapter may be construed—

(1) to require a tribe or tribal organization to apply for or accept; or

(2) to allow any person to coerce any tribe or tribal organization to apply for, or accept,

a grant under this chapter to plan, conduct, and administer all of, or any portion of, any Bureau program. Such applications and the timing of such applications shall be strictly voluntary. Nothing in this chapter may be construed as allowing or requiring any grant with any entity other than the entity to which the grant is provided.

(e) No effect on Federal responsibility

Grants provided under this chapter shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.

(f) Retrocession

(1) In general

Whenever a tribal governing body requests retrocession of any program for which assistance is provided under this chapter, such retrocession shall become effective upon a date specified by the Secretary that is not later than 120 days after the date on which the tribal governing body requests the retrocession. A later date may be specified if mutually agreed upon by the Secretary and the tribal governing body. If such a program is retroceded, the

¹ So in original. Probably should be “discrete”.