

grams, see section 5 of Pub. L. 107-110, set out as a note under section 6301 of Title 20, Education.

### § 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.

#### (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)<sup>1</sup> 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) 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.

(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.

#### 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.

### § 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.

#### 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.

### § 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.<sup>1</sup>

##### (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.)

<sup>1</sup> So in original. Probably should be "2005(c)".

<sup>1</sup> So in original. Probably should be section "2509".

## 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.

## 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.

## § 2018. Regional meetings and negotiated rule-making

### (a) Regional meetings

Prior to publishing any proposed regulations under subsection (b)(1), and prior to establishing the negotiated rulemaking committee under subsection (b)(3), 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) 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 final form by the deadline and the reason such final regulations were not promulgated.

#### (3) Rulemaking committee

The Secretary shall establish a negotiated rulemaking committee to carry out this subsection. In establishing such committee, the Secretary shall—

(A) apply the procedures provided for under subchapter III of chapter 5 of title 5 in a manner that reflects the unique government-to-government relationship between Indian tribes and the United States;

(B) ensure that the membership of the committee includes only representatives of the Federal Government and of tribes served by Bureau-funded schools;

(C) select the tribal representatives of the committee from among individuals nominated by the representatives of the tribal and tribally operated schools;

(D) ensure, to the maximum extent possible, that the tribal representative membership on the committee reflects the proportionate share of students from tribes served by the Bureau-funded school system; and

(E) comply with the Federal Advisory Committee Act (5 U.S.C. App.).

### (4) Special rule

The Secretary shall carry out this section using the general administrative funds of the Department of the Interior. In accordance with subchapter III of chapter 5 of title 5 and section 7(d) of the Federal Advisory Committee Act, payment of costs associated with negotiated rulemaking shall include the reasonable expenses of committee members.

### (c) Application of section

#### (1) Supremacy of provisions

The provisions of this section shall supersede any conflicting regulations in effect on the day before the date of enactment of this chapter, and the Secretary may repeal any regulation that is inconsistent with the provisions of this chapter.

#### (2) Modifications

The Secretary may modify regulations promulgated under this section or the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.], only in accordance with this section.

(Pub. L. 95-561, title XI, §1138, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2057.)

## REFERENCES IN TEXT

The Tribally Controlled Schools Act of 1988, referred to in subsecs. (a), (b)(1), (2), and (c)(2), is part B (§5201-5212) of title V of Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 385, as amended, which is classified generally to chapter 27 (§2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (b)(3)(E), (4), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The date of enactment of this chapter, referred to in subsec. (c)(1), probably means the date of enactment of Pub. L. 107-110, which amended this chapter generally and was approved Jan. 8, 2002.

## PRIOR PROVISIONS

A prior section 2018, Pub. L. 95-561, title XI, §1138, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4011, related to rights of Indian students, prior to the general amendment of this chapter by Pub. L. 107-110. See section 2016 of this title.

Another prior section 2018, Pub. L. 95-561, title XI, §1138, Nov. 1, 1978, 92 Stat. 2327; Pub. L. 98-511, title V, §510, Oct. 19, 1984, 98 Stat. 2397, related to regulations