

## PRIOR PROVISIONS

A prior section 2992b, Pub. L. 88-452, title VIII, §813, formerly §812, as added Pub. L. 93-644, §11, Jan. 4, 1975, 88 Stat. 2327; amended Pub. L. 95-568, §17(a)(41), Nov. 2, 1978, 92 Stat. 2443; Pub. L. 98-558, title X, §1003, Oct. 30, 1984, 98 Stat. 2905; renumbered §813, Pub. L. 100-175, title V, §502(3), Nov. 29, 1987, 101 Stat. 973, related to administration, delegation of authority, and interagency funding agreements, prior to repeal by Pub. L. 102-375, title VIII, §822(14), Sept. 30, 1992, 106 Stat. 1299.

Another prior section 2992b, Pub. L. 88-452, title VIII, §812, as added Pub. L. 90-222, title I, §110, Dec. 23, 1967, 81 Stat. 723, related to support of full-time volunteers, providing in: subsec. (a) for stipend and allowances; subsec. (b) for payment upon completion of term and advancement of accrued stipend; and subsec. (c) for counseling, prior to repeal by Pub. L. 93-113, title VI, §603, Oct. 1, 1973, 87 Stat. 417.

A prior section 813 of Pub. L. 88-452 was renumbered section 815 and is classified to section 2992c of this title.

### § 2992b-1. Additional requirements applicable to rulemaking

#### (a) In general

Notwithstanding subsection (a) of section 553 of title 5, and except as otherwise provided in this section, such section 553 shall apply with respect to the establishment and general operation of any program that provides loans, grants, benefits, or contracts authorized by this subchapter.

#### (b) Interpretative rule or general statement of policy; waiver of notice and public procedure regarding any other rule

(1) Subparagraph (A) of the last sentence of section 553(b) of title 5 shall not apply with respect to any interpretative rule or general statement of policy—

(A) proposed under this subchapter; or

(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this subchapter.

(2) Subparagraph (B) of the last sentence of section 553(b) of title 5, shall not apply with respect to any rule (other than an interpretative rule or a general statement of policy)—

(A) proposed under this subchapter; or

(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this subchapter.

(3) The first 2 sentences of section 553(b) of title 5 shall apply with respect to any rule (other than an interpretative rule, a general statement of policy, or a rule of agency organization, procedure, or practice) that is—

(A) proposed under this subchapter; or

(B) applicable exclusively to any program, project, or activity authorized by, or carried out under, this subchapter;

unless the Secretary for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in such rule) that notice and public procedure thereon are contrary to the public interest or would impair the effective administration of any program, project, or activity with respect to which such rule is issued.

#### (c) Effective date of rule or general statement of policy

Notwithstanding section 553(d) of title 5, no rule (including an interpretative rule) or general statement of policy that—

(1) is issued to carry out this subchapter; or

(2) applies exclusively to any program, project, or activity authorized by, or carried out under, this subchapter;

may take effect until 30 days after the publication required under the first 2 sentences of section 553(b) of title 5.

#### (d) Statutory citation required

Each rule (including an interpretative rule) and each general statement of policy to which this section applies shall contain after each of its sections, paragraphs, or similar textual units a citation to the particular provision of statute or other law that is the legal authority for such section, paragraph, or unit.

#### (e) Rule or general statement of policy necessary as result of legislation; time for issuance

Except as provided in subsection (c), if as a result of the enactment of any law affecting the administration of this subchapter it is necessary or appropriate for the Secretary to issue any rule (including any interpretative rule) or a general statement of policy, the Secretary shall issue such rule or such general statement of policy not later than 180 days after the date of the enactment of such law.

#### (f) Copy of rule or general statement of policy to Congressional leaders

Whenever an agency publishes in the Federal Register a rule (including an interpretative rule) or a general statement of policy to which subsection (c) applies, such agency shall transmit a copy of such rule or such general statement of policy to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(Pub. L. 88-452, title VIII, §814, as added Pub. L. 100-175, title V, §503(a), Nov. 29, 1987, 101 Stat. 974.)

## PRIOR PROVISIONS

A prior section 814 of Pub. L. 88-452 was renumbered section 816 and is classified to section 2992d of this title.

## EFFECTIVE DATE

Section effective Oct. 1, 1987, see section 701(a) of Pub. L. 100-175, set out as an Effective Date of 1987 Amendment note under section 3001 of this title.

### § 2992c. Definitions

As used in this subchapter, the term—

(1) “average” means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a native language immersion program during a school year divided by the total number of students enrolled in the immersion program;

(2) “financial assistance” includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or services;

(3) “Indian reservation or Alaska Native village” includes the reservation of any federally or State recognized Indian tribe, including any band, nation, pueblo, or rancheria, any former reservation in Oklahoma, and community

under the jurisdiction of an Indian tribe, including a band, nation, pueblo, or rancheria, with allotted lands or lands subject to a restriction against alienation imposed by the United States or a State, and any lands of or under the jurisdiction of an Alaska Native village or group, including any lands selected by Alaska Natives or Alaska Native organizations under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.];

(4) “Native Hawaiian” means any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778;

(5) the term “rule” has the meaning given it in section 551(4) of title 5, as amended from time to time;

(6) “Secretary” means the Secretary of Health and Human Services; and

(7) the term “Native American Pacific Islander” means an individual who is indigenous to a United States territory or possession located in the Pacific Ocean, and includes such individual while residing in the United States.

(Pub. L. 88-452, title VIII, §815, formerly §813, as added Pub. L. 93-644, §11, Jan. 4, 1975, 88 Stat. 2327; amended Pub. L. 98-558, title X, §1004, Oct. 30, 1984, 98 Stat. 2906; renumbered §815 and amended Pub. L. 100-175, title V, §§502(2), 503(b), Nov. 29, 1987, 101 Stat. 973, 975; Pub. L. 102-375, title VIII, §822(21), Sept. 30, 1992, 106 Stat. 1300; Pub. L. 102-497, §9(b), Oct. 24, 1992, 106 Stat. 3257; Pub. L. 103-171, §5(6), Dec. 2, 1993, 107 Stat. 1992; Pub. L. 109-394, §3, Dec. 14, 2006, 120 Stat. 2707.)

#### REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (3), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

#### AMENDMENTS

2006—Pub. L. 109-394 added par. (1) and redesignated former pars. (1) to (6) as (2) to (7), respectively.

1993—Par. (2). Pub. L. 103-171, §5(6)(A), substituted “selected by Alaska Natives” for “selected by Alaskan Natives”.

Par. (4). Pub. L. 103-171, §5(6)(B), inserted semicolon at end.

1992—Par. (2). Pub. L. 102-375 substituted “Alaska Native village” for “Alaskan Native village” in two places and “Alaska Native organizations” for “Alaskan Native organizations”.

Par. (6). Pub. L. 102-497 added par. (6).

1987—Pars. (4), (5). Pub. L. 100-175, §503(b), added par. (4) and redesignated former par. (4) as (5).

1984—Par. (4). Pub. L. 98-558 added par. (4).

#### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-175 effective Oct. 1, 1987, see section 701(a) of Pub. L. 100-175, set out as a note under section 3001 of this title.

### § 2992d. Authorization of appropriations

(a) There are authorized to be appropriated for the purpose of carrying out the provisions of this subchapter (other than sections 2991b(d), 2991b-1, 2991b-3 of this title, subsection (e)<sup>1</sup> of this section, and any other provision of this sub-

chapter for which there is an express authorization of appropriations), such sums as may be necessary for each of fiscal years 1999, 2000, 2001, and 2002.

(b) Not less than 90 per centum of the funds made available to carry out the provisions of this subchapter (other than sections 2991b(d), 2991b-1, 2991b-3, 2991c of this title, subsection (e)<sup>1</sup> of this section, and any other provision of this subchapter for which there is an express authorization of appropriations) for a fiscal year shall be expended to carry out section 2991b(a) of this title for such fiscal year.

(c) There is authorized to be appropriated \$8,000,000 for each of fiscal years 1999, 2000, 2001, and 2002, for the purpose of carrying out the provisions of section 2991b(d) of this title.

(d)(1) For fiscal year 1994, there are authorized to be appropriated such sums as may be necessary for the purpose of—

(A) establishing demonstration projects to conduct research related to Native American studies and Indian policy development; and

(B) continuing the development of a detailed plan, based in part on the results of the projects, for the establishment of a National Center for Native American Studies and Indian Policy Development.

(2) Such a plan shall be delivered to the Congress not later than 30 days after September 30, 1992.

(e) There are authorized to be appropriated to carry out section 2991b-3 of this title such sums as may be necessary for each of fiscal years 2008, 2009, 2010, 2011, and 2012.

(Pub. L. 88-452, title VIII, §816, formerly §814, as added Pub. L. 93-644, §11, Jan. 4, 1975, 88 Stat. 2327; amended Pub. L. 95-568, §15, Nov. 2, 1978, 92 Stat. 2439; Pub. L. 98-558, title X, §1005, Oct. 30, 1984, 98 Stat. 2906; renumbered §816 and amended Pub. L. 100-175, title V, §§502(2), 505, 506(b), Nov. 29, 1987, 101 Stat. 973, 975, 978; Pub. L. 100-581, title II, §215, Nov. 1, 1988, 102 Stat. 2941; Pub. L. 101-408, §3, Oct. 4, 1990, 104 Stat. 883; Pub. L. 102-375, title VIII, §822(15)-(20), Sept. 30, 1992, 106 Stat. 1299; Pub. L. 102-497, §9(c), Oct. 24, 1992, 106 Stat. 3258; Pub. L. 102-524, §3, Oct. 26, 1992, 106 Stat. 3437; Pub. L. 103-171, §5(6), Dec. 2, 1993, 107 Stat. 1992; Pub. L. 105-361, §2, Nov. 10, 1998, 112 Stat. 3278; Pub. L. 109-394, §4, Dec. 14, 2006, 120 Stat. 2707.)

#### REFERENCES IN TEXT

Subsection (e) of this section, referred to in subsecs. (a) and (b), was redesignated subsec. (d) of this section by Pub. L. 103-171, §5(6)(D), Dec. 2, 1993, 107 Stat. 1992.

#### AMENDMENTS

2006—Subsec. (e). Pub. L. 109-394 substituted “2008, 2009, 2010, 2011, and 2012” for “1999, 2000, 2001, and 2002”.

1998—Subsec. (a). Pub. L. 105-361, §2(1), substituted “for each of fiscal years 1999, 2000, 2001, and 2002.” for “for fiscal years 1992, 1993, 1994, and 1995.”

Subsec. (c). Pub. L. 105-361, §2(2), substituted “for each of fiscal years 1999, 2000, 2001, and 2002,” for “for each of the fiscal years 1992, 1993, 1994, 1995, and 1996.”

Subsec. (e). Pub. L. 105-361, §2(3), substituted “such sums as may be necessary for each of fiscal years 1999, 2000, 2001, and 2002.” for “, \$2,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, 1996, and 1997.”

1993—Subsecs. (a), (b). Pub. L. 103-171, §5(6)(A), substituted “2991b-1,” for “2991b-1”.

<sup>1</sup> See References in Text note below.