

mittee shall fully participate in the development of, and shall have the authority to approve or disapprove programs to be conducted under such contract or contracts, and shall carry out such other duties, and be so structured, as the Secretary of the Interior shall by regulation provide: *Provided, however*, That, whenever a local Indian committee or committees established pursuant to section 7424(c)(4) of title 20 or an Indian advisory school board or boards established pursuant to sections 5342 to 5348 of this title prior to January 4, 1975, exists in such school district, such committee or board may, in the discretion of the affected tribal governing body or bodies, be utilized for the purposes of this section.

**(b) Revocation of contracts**

The Secretary of the Interior may, in his discretion, revoke any contract if the contractor fails to permit a local committee to perform its duties pursuant to subsection (a) of this section.

(Apr. 16, 1934, ch. 147, § 5, as added Pub. L. 93-638, title II, § 202, Jan. 4, 1975, 88 Stat. 2213; amended Pub. L. 103-382, title III, § 393(d), Oct. 20, 1994, 108 Stat. 4027; Pub. L. 107-110, title VII, § 702(e), Jan. 8, 2002, 115 Stat. 1947; Pub. L. 114-95, title IX, § 9215(a), Dec. 10, 2015, 129 Stat. 2166.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 456 of this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 5 of act Apr. 16, 1934, ch. 147, 48 Stat. 596, which excluded Oklahoma from the application of contract provisions, was omitted in the general amendment of act Apr. 16, 1934, by act June 4, 1936, ch. 490, 49 Stat. 1458.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95 made technical amendment to reference in original act which appears in text as reference to section 7424(c)(4) of title 20.

2002—Subsec. (a). Pub. L. 107-110 substituted reference to section 7424(c)(4) of title 20 for reference to section 7814(c)(4) of title 20.

1994—Subsec. (a). Pub. L. 103-382 substituted reference to section 7814(c)(4) of title 20 for reference to section 241dd(b)(2)(B)(ii) of title 20.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 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 an Effective Date note under section 6301 of Title 20, Education.

**§ 5347. Reimbursement to school districts for educating non-resident students**

Any school district educating Indian students who are members of recognized Indian tribes, who do not normally reside in the State in which such school district is located, and who are residing in Federal boarding facilities for the purposes of attending public schools within such district may, in the discretion of the Secretary of the Interior, be reimbursed by him for

the full per capita costs of educating such Indian students.

(Apr. 16, 1934, ch. 147, § 6, as added Pub. L. 93-638, title II, § 202, Jan. 4, 1975, 88 Stat. 2214.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 457 of this title prior to editorial reclassification and renumbering as this section.

**§ 5348. Computation of student count**

**(a) Definitions**

For the purposes of sections 5342 to 5348 of this title, the following definitions apply:

**(1) Contracting party**

The term “contracting party” means an entity that has a contract through a program authorized under sections 5342 to 5348 of this title.

**(2) Eligible entity**

The term “eligible entity” means an entity that is eligible to apply for a contract for a supplemental or operational support program under sections 5342 to 5348 of this title, as outlined in section 5342 of this title.

**(3) Existing contracting party**

The term “existing contracting party” means a contracting party that has a contract under sections 5342 to 5348 of this title that is in effect on December 31, 2018.

**(4) JOM Modernization Act**

The term “JOM Modernization Act” means the Johnson-O’Malley Supplemental Indian Education Program Modernization Act.

**(5) New contracting party**

The term “new contracting party” means an entity that enters into a contract under sections 5342 to 5348 of this title after December 31, 2018.

**(6) Secretary**

The term “Secretary” means the Secretary of the Interior.

**(b) Determination of the number of eligible Indian students**

**(1) Initial determinations**

**(A) In general**

The Secretary shall make an initial determination of the number of eligible Indian students served or potentially served by each eligible entity in accordance with subparagraph (B).

**(B) Process for making the initial determination**

**(i) Preliminary report**

Not later than 180 days after December 31, 2018, the Secretary shall publish a preliminary report describing the number of eligible Indian students served or potentially served by each eligible entity, using the most applicable and accurate data (as determined by the Secretary in consultation with eligible entities) from the fiscal