

and any program from the Department of Education or any other Federal agency for the purpose of providing education or related services, and other funds received for such education and related services from nonfederally funded programs, shall be apportioned and the funds shall be retained at the school.

(g) General use of funds

Funds received by Bureau-funded schools from the Bureau of Indian Affairs, and under any program from the Department of Education or any other Federal agency, for the purpose of providing education or related services may be used for schoolwide projects to improve the educational program for all Indian students.

(h) Study on adequacy of funds and formulas

(1) Study

The Comptroller General of the United States shall conduct a study to determine the adequacy of funding, and formulas used by the Bureau to determine funding, for programs operated by Bureau-funded schools, taking into account unique circumstances applicable to Bureau-funded schools. The study shall analyze existing information gathered and contained in germane studies that have been conducted or are currently being conducted with regard to Bureau-funded schools.

(2) Action

Upon completion of the study, the Secretary of the Interior shall take such action as necessary to ensure distribution of the findings of the study to all affected Indian tribes, local school boards, and associations of local school boards.

(Pub. L. 95-561, title XI, §1121, as added Pub. L. 107-110, title X, §1042, Jan. 8, 2002, 115 Stat. 2007; amended Pub. L. 109-54, title I, §127, Aug. 2, 2005, 119 Stat. 525.)

Editorial Notes

REFERENCES IN TEXT

This section, referred to in subsec. (b)(4) and the second place appearing in subsec. (c)(1), mean section 1121 of Pub. L. 95-561, prior to the general amendment of this chapter by Pub. L. 107-110. See Prior Provisions notes below.

The Indian Self-Determination Act, referred to in subsec. (b)(8)(D) to (F), 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.

The Tribally Controlled Schools Act of 1988, referred to in subsec. (b)(8)(D) to (F), is part B (§§5201-5212) of title V of Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 385, which is classified generally to chapter 27 (§2501 et seq.) of this title. Sections 5204 and 5207 of the Act were classified to sections 2503 and 2506, respectively, of this title, prior to repeal by Pub. L. 107-110, title X, §1043, Jan. 8, 2002, 115 Stat. 2063. Pub. L. 107-110 enacted new sections 5204 and 5207 which are classified to sections 2503 and 2506, respectively, of this title. Pub. L. 107-110 enacted new sections 5203 and 5206 of Pub. L. 100-297, relating to subject matter similar to that of former sections 5204 and 5207, respectively, which are classified to sections 2502 and 2505, respectively, 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 Indian Self-Determination and Education Assistance Act, referred to in subsec. (e)(4)(C), 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.

PRIOR PROVISIONS

A prior section 2001, Pub. L. 95-561, title XI, §1121, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 3979; amended Pub. L. 104-134, title I, §101(d) [title VII, §703(d)], Apr. 26, 1996, 110 Stat. 1321-211, 1321-255; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 105-362, title VIII, §801(c)(1), Nov. 10, 1998, 112 Stat. 3287, related to standards for basic education of Indian children in Bureau of Indian Affairs schools, prior to the general amendment of this chapter by Pub. L. 107-110.

Another prior section 2001, Pub. L. 95-561, title XI, §1121, Nov. 1, 1978, 92 Stat. 2316; Pub. L. 96-46, §2(b)(2)-(4), Aug. 6, 1979, 93 Stat. 341; Pub. L. 96-88, title III, §301(a)(1), title V, §507, Oct. 17, 1979, 93 Stat. 677, 692; Pub. L. 98-511, title V, §502, Oct. 19, 1984, 98 Stat. 2391; Pub. L. 99-89, §2, Aug. 15, 1985, 99 Stat. 379; Pub. L. 99-570, title IV, §4133(b)(3), Oct. 27, 1986, 100 Stat. 3207-134; Pub. L. 100-297, title V, §§5102, 5104, Apr. 28, 1988, 102 Stat. 363, 365; Pub. L. 100-427, §1(a), (b), Sept. 9, 1988, 102 Stat. 1603; Pub. L. 102-531, title III, §312(b), Oct. 27, 1992, 106 Stat. 3504, related to standards for basic education of Indian children in Bureau or contract schools, prior to the general amendment of this chapter by Pub. L. 103-382.

AMENDMENTS

2005—Subsec. (d)(7). Pub. L. 109-54 added par. (7) and struck out heading and text of former par. (7). Text read as follows: “The Secretary may, with the approval of the tribal governing body, terminate, contract, transfer to any other authority, consolidate, or substantially curtail the operation or facilities of—

“(A) any Bureau-funded school that is operated on or after January 1, 1999;

“(B) any program of such a school that is operated on or after January 1, 1999; or

“(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988.”

Statutory Notes and Related Subsidiaries

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.

CHANGE OF NAME

Committee on Education and the Workforce of House of Representatives changed to Committee on Education and Labor of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 2002. National criteria for home-living situations

(a) Revision of standards

(1) In general

The Secretary, in consultation with the Secretary of Education, Indian organizations and tribes, and Bureau-funded schools, shall revise the national standards for home-living (dor-

mitory) situations to include such factors as heating, lighting, cooling, adult-child ratios, needs for counselors (including special needs related to off-reservation home-living (dormitory) situations), therapeutic programs, space, and privacy.

(2) Implementation

Such standards shall be implemented in Bureau-operated schools, and shall serve as minimum standards for contract or grant schools.

(3) Revision after establishment

Once established, any revisions of such standards shall be developed according to the requirements established under section 2017 of this title.

(b) Implementation

The Secretary shall implement the revised standards established under this section immediately upon completion of the standards.

(c) Plan

(1) In general

The Secretary shall submit to the appropriate committees of Congress, the tribes, and the affected schools, and publish in the Federal Register, a detailed plan to bring all Bureau-funded schools that provide home-living (dormitory) situations up to the standards established under this section.

(2) Components of plan

The plan described in paragraph (1) shall include—

- (A) a statement of the relative needs of each Bureau-funded home-living (dormitory) school;
- (B) projected future needs of each Bureau-funded home-living (dormitory) school;
- (C) detailed information on the status of each school in relation to the standards established under this section;
- (D) specific cost estimates for meeting each standard for each such school;
- (E) aggregate cost estimates for bringing all such schools into compliance with the criteria established under this section; and
- (F) specific timelines for bringing each school into compliance with such standards.

(d) Waiver

(1) In general

A tribal governing body or local school board may, in accordance with this subsection, waive the standards established under this section for a school described in subsection (a).

(2) Inappropriate standards

(A) In general

A tribal governing body, or the local school board so designated by the tribal governing body, may waive, in whole or in part, the standards established under this section if such standards are determined by such body or board to be inappropriate for the needs of students from that tribe.

(B) Alternative standards

The tribal governing body or school board involved shall, not later than 60 days after

providing a waiver under subparagraph (A) for a school, submit to the Director a proposal for alternative standards that take into account the specific needs of the tribe's children. Such alternative standards shall be established by the Director for the school involved unless specifically rejected by the Director for good cause and in writing provided to the affected tribes or local school board.

(e) Closure for failure to meet standards prohibited

No school in operation on or before July 1, 1999 (regardless of compliance or noncompliance with the standards established under this section), may be closed, transferred to another authority, or consolidated, and no program of such a school may be substantially curtailed, because the school failed to meet such standards.

(Pub. L. 95-561, title XI, § 1122, as added Pub. L. 107-110, title X, § 1042, Jan. 8, 2002, 115 Stat. 2018.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2002, Pub. L. 95-561, title XI, § 1122, as added Pub. L. 103-382, title III, § 381, Oct. 20, 1994, 108 Stat. 3984; amended Pub. L. 105-362, title VIII, § 801(c)(2), Nov. 10, 1998, 112 Stat. 3288, related to national criteria for dormitory situations, prior to the general amendment of this chapter by Pub. L. 107-110.

Another prior section 2002, Pub. L. 95-561, title XI, § 1122, Nov. 1, 1978, 92 Stat. 2318; Pub. L. 96-46, § 2(b)(5), Aug. 6, 1979, 93 Stat. 341; Pub. L. 96-88, title III, § 301(a)(1), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692; Pub. L. 100-297, title V, § 5105, Apr. 28, 1988, 102 Stat. 367, related to national criteria for dormitory situations, prior to the general amendment of this chapter by Pub. L. 103-382.

Statutory Notes and Related Subsidiaries

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.

§ 2003. Codification of regulations

(a) Part 32 of Title 25, Code of Federal Regulations

The provisions of part 32 of title 25, Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Such provisions may be altered only by means of an Act of Congress. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before November 1, 1978, the provisions of this Act and the provisions of such other statutory law shall govern.

(b) Definition of regulation

In this section, the term “regulation” means any rule, regulation, guideline, interpretation, order, or requirement of general applicability prescribed by any officer or employee of the executive branch.

(Pub. L. 95-561, title XI, § 1123, as added Pub. L. 107-110, title X, § 1042, Jan. 8, 2002, 115 Stat. 2019.)