

**(b) Disclosure of information for enrollment of Indian child in tribe or for determination of member rights or benefits; certification of entitlement to enrollment**

Upon the request of the adopted Indian child over the age of eighteen, the adoptive or foster parents of an Indian child, or an Indian tribe, the Secretary shall disclose such information as may be necessary for the enrollment of an Indian child in the tribe in which the child may be eligible for enrollment or for determining any rights or benefits associated with that membership. Where the documents relating to such child contain an affidavit from the biological parent or parents requesting anonymity, the Secretary shall certify to the Indian child's tribe, where the information warrants, that the child's parentage and other circumstances of birth entitle the child to enrollment under the criteria established by such tribe.

(Pub. L. 95-608, title III, §301, Nov. 8, 1978, 92 Stat. 3077.)

**§ 1952. Rules and regulations**

Within one hundred and eighty days after November 8, 1978, the Secretary shall promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 95-608, title III, §302, Nov. 8, 1978, 92 Stat. 3077.)

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

**§ 1961. Locally convenient day schools**

**(a) Sense of Congress**

It is the sense of Congress that the absence of locally convenient day schools may contribute to the breakup of Indian families.

**(b) Report to Congress; contents, etc.**

The Secretary is authorized and directed to prepare, in consultation with appropriate agencies in the Department of Health and Human Services, a report on the feasibility of providing Indian children with schools located near their homes, and to submit such report to the Select Committee on Indian Affairs of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives within two years from November 8, 1978. In developing this report the Secretary shall give particular consideration to the provision of educational facilities for children in the elementary grades.

(Pub. L. 95-608, title IV, §401, Nov. 8, 1978, 92 Stat. 3078; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

“Department of Health and Human Services” substituted for “Department of Health, Education, and Welfare” in subsec. (b), pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

Select Committee on Indian Affairs of the Senate redesignated Committee on Indian Affairs of the Senate by section 25 of Senate Resolution No. 71, Feb. 25, 1993, One Hundred Third Congress.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on

Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress. Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

**§ 1962. Copies to the States**

Within sixty days after November 8, 1978, the Secretary shall send to the Governor, chief justice of the highest court of appeal, and the attorney general of each State a copy of this chapter, together with committee reports and an explanation of the provisions of this chapter.

(Pub. L. 95-608, title IV, §402, Nov. 8, 1978, 92 Stat. 3078.)

**§ 1963. Severability**

If any provision of this chapter or the applicability thereof is held invalid, the remaining provisions of this chapter shall not be affected thereby.

(Pub. L. 95-608, title IV, §403, Nov. 8, 1978, 92 Stat. 3078.)

**CHAPTER 22—BUREAU OF INDIAN AFFAIRS PROGRAMS**

Sec.	
2001.	Standards for basic education of Indian children in Bureau of Indian Affairs schools. <ul style="list-style-type: none"> <li>(a) Purpose.</li> <li>(b) Studies and surveys.</li> <li>(c) Revision of minimum academic standards.</li> <li>(d) Alternative or modified standards.</li> <li>(e) Waiver of standards.</li> <li>(f) Implementation of standards.</li> <li>(g) Annual plan for meeting of standards.</li> <li>(h) Closure or consolidation of schools.</li> <li>(i) Authorization of appropriations.</li> <li>(j) Alcohol and substance abuse prevention and treatment.</li> <li>(k) “Tribal governing body” defined.</li> <li>(l) Application for contracts or grants for non-Bureau funded schools or expansion of Bureau funded schools.</li> </ul>
2002.	National criteria for dormitory situations. <ul style="list-style-type: none"> <li>(a) Study of costs.</li> <li>(b) Distribution and publication of criteria.</li> <li>(c) Implementation.</li> <li>(d) Waiver.</li> <li>(e) Authorization of appropriations.</li> </ul>
2003.	Regulations. <ul style="list-style-type: none"> <li>(a) Incorporation of part 32 of title 25 of Code of Federal Regulations.</li> <li>(b) Application of parts 31, 33, 36, 39, 42, and 43 of title 25 of Code of Federal Regulations.</li> <li>(c) Regulations prescribed after June 30, 1989.</li> <li>(d) “Regulation” defined.</li> </ul>
2004.	School boundaries. <ul style="list-style-type: none"> <li>(a) Establishment.</li> <li>(b) Alternative or revised boundaries.</li> <li>(c) Reservation as boundary.</li> <li>(d) Coordination and consultation with tribes and school boards.</li> </ul>
2005.	Facilities construction. <ul style="list-style-type: none"> <li>(a) Compliance with health and safety standards.</li> <li>(b) Plan.</li> <li>(c) Priorities.</li> <li>(d) Hazardous conditions at Bureau schools.</li> </ul>

Sec.		Sec.	
	(e) Authorization of appropriations.		(f) Indian preferences.
2006.	Bureau of Indian Affairs education functions.		(g) Applicability of chapter 51 of title 5.
	(a) Formulation and establishment of policy and procedure; supervision of programs and expenditures.		(h) Compensation or annual salary.
	(b) Direction and supervision of personnel operations.		(i) Annual and sick leave.
	(c) Evaluation of programs; services and support functions; technical and coordinating assistance.		(j) Liquidation of remaining leave upon termination.
	(d) Construction and improvement of facilities; operation and maintenance of facilities.		(k) Transfer of remaining leave upon transfer, promotion, or reemployment.
	(e) Acceptance of gifts and bequests.		(l) Ineligibility for employment of voluntarily terminated educators.
	(f) "Functions" defined.		(m) Dual compensation.
2007.	Allotment formula.		(n) Definitions.
	(a) Factors considered; revision to reflect standards.	2013.	Management information system.
	(b) Pro rata allotment.	2014.	Bureau education policies.
	(c) Annual adjustment; reservation of amount for training.	2015.	Uniform education procedures and practices.
	(d) Reservation of amount for emergencies.	2016.	Recruitment of Indian educators.
	(e) Supplemental appropriations.	2017.	Annual report.
	(f) "Eligible Indian student" defined.	2018.	Rights of Indian students.
	(g) Tuition.	2019.	Regulations.
	(h) Funds available without fiscal year limitation.	2020.	Voluntary services.
	(i) Students boarding at Richfield Dormitory, Richfield, Utah.	2021.	Proration of pay.
2008.	Administrative cost grants.		(a) Election of employee.
	(a) Purpose; effect upon appropriated amounts.	2022.	Extracurricular activities.
	(b) Determination of amount; reduction for Federal education program payments; reimbursement by Federal departments or agencies.		(a) Stipend.
	(c) Administrative cost percentage rate.		(b) Election not to receive stipend.
	(d) Administrative cost account; availability of funds; effect upon indirect cost recovery determinations.	2023.	Early childhood development program.
	(e) Definitions.		(a) In general.
	(f) Studies for determination of factors affecting costs, minimum and maximum base rates, and standard direct cost base; report to Congress.		(b) Amount of grant.
	(g) Authorization of appropriations; procedure where amount of funds necessary exceeds appropriated amount.		(c) Application.
	(h) Amounts for fiscal years 1989, 1990, and 1991.		(d) Functions of programs.
	(i) Application of section to certain tribally controlled schools.		(e) Administrative costs.
2009.	Division of Budget Analysis.		(f) Authorization of appropriations.
	(a) Establishment.	2024.	Tribal departments of education.
	(b) Functions.		(a) In general.
	(c) Annual reports.		(b) Grants.
2010.	Uniform direct funding and support.		(c) Priorities.
	(a) Establishment of system.		(d) Terms, conditions, or requirements.
	(b) Local financial plans for expenditure of funds.		(e) Authorization of appropriations.
	(c) Use of self-determination grant funds.	2025.	Payments.
	(d) Technical assistance and training.	2026.	Definitions.
	(e) Summer program of academic and support services.		
	(f) Cooperative agreements.		
	(g) Product or result of student projects.		
	(h) Federal matching funds requirements.		
2011.	Policy for Indian control of Indian education.		
	(a) Facilitation of Indian control.		
	(b) Consultation with tribes.		
2012.	Education personnel.		
	(a) In general.		
	(b) Regulations.		
	(c) Qualifications of educators.		
	(d) Hiring of educators.		
	(e) Discharge and conditions of employment of educators.		

CODIFICATION

Part B of title XI of the Education Amendments of 1978, comprising this chapter, was originally enacted as part B of title XI of Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2316, and amended by 1978 Reorg. Plan No. 2, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96-46, Aug. 6, 1979, 93 Stat. 338; Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668; Pub. L. 97-375, Dec. 21, 1982, 96 Stat. 1819; Pub. L. 98-511, Oct. 19, 1984, 98 Stat. 2366; Pub. L. 99-89, Aug. 15, 1985, 99 Stat. 379; Pub. L. 99-228, Dec. 28, 1985, 99 Stat. 1747; Pub. L. 99-570, Oct. 27, 1986, 100 Stat. 3207; Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 130; Pub. L. 100-427, Sept. 9, 1988, 102 Stat. 1603; Pub. L. 101-301, May 24, 1990, 104 Stat. 206; Pub. L. 102-531, Oct. 27, 1992, 106 Stat. 3469. Part B of title XI of the Act is shown herein, however, as having been added by Pub. L. 103-382 without reference to such intervening amendments because of the extensive amendment of the part's provisions by Pub. L. 103-382, title III, § 381, Oct. 20, 1994, 108 Stat. 3979.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2503, 2504, 2505 of this title; title 20 section 3489.

**§ 2001. Standards for basic education of Indian children in Bureau of Indian Affairs schools**

**(a) Purpose**

(1) The purpose of the standards developed under this section shall be to afford Indian stu-