

(1) The term “eligible Indian student” has the meaning of such term in section 1128(f)<sup>1</sup> of the Education Amendments of 1978.

(2) The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native Village or regional or village corporation (as defined in or established pursuant to the Alaskan Native Claims Settlement Act [43 U.S.C. 1601 et seq.]), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(3)(A) The term “tribal organization” means—

(i) the recognized governing body of any Indian tribe, or

(ii) any legally established organization of Indians which—

(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization, and

(II) includes the maximum participation of Indians in all phases of its activities.

(B) In any case in which a grant is provided under this chapter to an organization to perform services benefiting more than one Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of those students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

(4) The term “Secretary” means the Secretary of the Interior.

(5) The term “tribally controlled school” means a school, operated by a tribe or a tribal organization, enrolling students in kindergarten through grade 12, including preschools, which is not a local educational agency and which is not directly administered by the Bureau of Indian Affairs.

(6) The term “a local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(7) The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.

(Pub. L. 100-297, title V, § 5212, Apr. 28, 1988, 102 Stat. 394.)

#### REFERENCES IN TEXT

Section 1128(f) of the Education Amendments of 1978, referred to in par. (1), means section 1128(f) of Pub. L. 95-561, which was classified to section 2008(f) of this

title, prior to the general amendment of chapter 22 (§2001 et seq.) of this title by Pub. L. 103-382, title III, § 381, Oct. 20, 1994, 108 Stat. 3979. Pub. L. 103-382 enacted a new section 1128 of Pub. L. 95-561, relating to administrative cost grants, which is classified to section 2008 of this title. Provisions defining “eligible Indian student” are now contained in section 2007 of this title.

The Alaskan Native Claims Settlement Act, referred to in par. (2), probably means the Alaska Native Claims Settlement Act, 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.

## CHAPTER 28—INDIAN EDUCATION PROGRAM

### SUBCHAPTER I—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

#### §§ 2601 to 2606. Repealed. Pub. L. 103-382, title III, § 367, Oct. 20, 1994, 108 Stat. 3976

Section 2601, Pub. L. 100-297, title V, § 5311, Apr. 28, 1988, 102 Stat. 395, related to policy declaration concerning academic needs of Indian students.

Section 2602, Pub. L. 100-297, title V, § 5312, Apr. 28, 1988, 102 Stat. 396; Pub. L. 100-427, § 15, Sept. 9, 1988, 102 Stat. 1610, related to grants to local educational agencies for education of Indian children.

Section 2603, Pub. L. 100-297, title V, § 5313, Apr. 28, 1988, 102 Stat. 398, related to permissible uses of Federal funds.

Section 2604, Pub. L. 100-297, title V, § 5314, Apr. 28, 1988, 102 Stat. 398; Pub. L. 100-427, § 16, Sept. 9, 1988, 102 Stat. 1610; Pub. L. 101-301, § 5(c), May 24, 1990, 104 Stat. 207, related to applications for grants and conditions for approval.

Section 2605, Pub. L. 100-297, title V, § 5315, Apr. 28, 1988, 102 Stat. 402; Pub. L. 100-427, § 17, Sept. 9, 1988, 102 Stat. 1611, related to payments to local educational agencies.

Section 2606, Pub. L. 100-297, title V, § 5316, Apr. 28, 1988, 102 Stat. 402, authorized appropriations for Indian education and permitted Secretary to reallocate funds.

For similar provisions, see section 7811 et seq. of Title 20, Education.

#### SHORT TITLE

Section 5301 of Pub. L. 100-297 provided that part C (§§ 5301-5352) of title V of Pub. L. 100-297, enacting this chapter, repealing sections 241aa, 241bb, 241cc to 241ff, 1211a, 1221f to 1221h, and 3385 to 3385b of Title 20, Education, and repealing provisions set out as notes under sections 241aa and 1411 of Title 20, could be cited as the “Indian Education Act of 1988”, prior to repeal by Pub. L. 103-382, title III, § 367, Oct. 20, 1994, 108 Stat. 3976.

### SUBCHAPTER II—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

#### §§ 2621 to 2624. Repealed. Pub. L. 103-382, title III, § 367, Oct. 20, 1994, 108 Stat. 3976

Section 2621, Pub. L. 100-297, title V, § 5321, Apr. 28, 1988, 102 Stat. 403; Pub. L. 100-427, § 18, Sept. 9, 1988, 102 Stat. 1612, related to improvement of educational opportunities for Indian children.

Section 2622, Pub. L. 100-297, title V, § 5322, Apr. 28, 1988, 102 Stat. 406, related to special educational training programs for teachers of Indian children.

Section 2623, Pub. L. 100-297, title V, § 5323, Apr. 28, 1988, 102 Stat. 407; Pub. L. 100-427, § 19(a), Sept. 9, 1988, 102 Stat. 1612, provided for fellowships for Indian students.

Section 2624, Pub. L. 100-297, title V, § 5324, Apr. 28, 1988, 102 Stat. 408; Pub. L. 100-427, § 20, Sept. 9, 1988, 102

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

Stat. 1612; Pub. L. 101-301, §5(d)(2), May 24, 1990, 104 Stat. 208, authorized programs for gifted and talented Indian children.

For similar provisions, see section 7831 et seq. of Title 20, Education.

#### SUBCHAPTER III—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

##### § 2631. Repealed. Pub. L. 103-382, title III, § 367, Oct. 20, 1994, 108 Stat. 3976

Section, Pub. L. 100-297, title V, §5330, Apr. 28, 1988, 102 Stat. 410, related to improvement of educational opportunities for adult Indians. See section 7851 of Title 20, Education.

#### SUBCHAPTER IV—PROGRAM ADMINISTRATION

##### §§ 2641 to 2643. Repealed. Pub. L. 103-382, title III, § 367, Oct. 20, 1994, 108 Stat. 3976

Section 2641, Pub. L. 100-297, title V, §5341, Apr. 28, 1988, 102 Stat. 411; Pub. L. 100-427, §21, Sept. 9, 1988, 102 Stat. 1612, related to establishment of Office of Indian Education within Department of Education. See section 3423c of Title 20, Education.

Section 2642, Pub. L. 100-297, title V, §5342, Apr. 28, 1988, 102 Stat. 412; Pub. L. 100-427, §22, Sept. 9, 1988, 102 Stat. 1613, established National Advisory Council on Indian Education. See section 7871 of Title 20, Education.

Section 2643, Pub. L. 100-297, title V, §5343, Apr. 28, 1988, 102 Stat. 413, authorized appropriations for administration of Indian education programs. See section 7882 of Title 20, Education.

#### SUBCHAPTER V—MISCELLANEOUS

##### § 2651. Repealed. Pub. L. 103-382, title III, § 367, Oct. 20, 1994, 108 Stat. 3976

Section, Pub. L. 100-297, title V, §5351, Apr. 28, 1988, 102 Stat. 413; Pub. L. 100-427, §23, Sept. 9, 1988, 102 Stat. 1613, defined terms for purposes of this chapter. See section 7881 of Title 20, Education.

#### CHAPTER 29—INDIAN GAMING REGULATION

Sec.	
2701.	Findings.
2702.	Declaration of policy.
2703.	Definitions.
2704.	National Indian Gaming Commission. <ul style="list-style-type: none"> <li>(a) Establishment.</li> <li>(b) Composition; investigation; term of office; removal.</li> <li>(c) Vacancies.</li> <li>(d) Quorum.</li> <li>(e) Vice Chairman.</li> <li>(f) Meetings.</li> <li>(g) Compensation.</li> </ul>
2705.	Powers of Chairman.
2706.	Powers of Commission. <ul style="list-style-type: none"> <li>(a) Budget approval; civil fines; fees; subpoenas; permanent orders.</li> <li>(b) Monitoring; inspection of premises; investigations; access to records; mail; contracts; hearings; oaths; regulations.</li> <li>(c) Report.</li> </ul>
2707.	Commission staffing. <ul style="list-style-type: none"> <li>(a) General Counsel.</li> <li>(b) Staff.</li> <li>(c) Temporary services.</li> <li>(d) Federal agency personnel.</li> <li>(e) Administrative support services.</li> </ul>
2708.	Commission; access to information.
2709.	Interim authority to regulate gaming.

Sec.	
2710.	Tribal gaming ordinances. <ul style="list-style-type: none"> <li>(a) Jurisdiction over class I and class II gaming activity.</li> <li>(b) Regulation of class II gaming activity; net revenue allocation; audits; contracts.</li> <li>(c) Issuance of gaming license; certificate of self-regulation.</li> <li>(d) Class III gaming activities; authorization; revocation; Tribal-State compact.</li> <li>(e) Approval of ordinances.</li> </ul>
2711.	Management contracts. <ul style="list-style-type: none"> <li>(a) Class II gaming activity; information on operators.</li> <li>(b) Approval.</li> <li>(c) Fee based on percentage of net revenues.</li> <li>(d) Period for approval; extension.</li> <li>(e) Disapproval.</li> <li>(f) Modification or voiding.</li> <li>(g) Interest in land.</li> <li>(h) Authority.</li> <li>(i) Investigation fee.</li> </ul>
2712.	Review of existing ordinances and contracts. <ul style="list-style-type: none"> <li>(a) Notification to submit.</li> <li>(b) Approval or modification of ordinance or resolution.</li> <li>(c) Approval or modification of management contract.</li> </ul>
2713.	Civil penalties. <ul style="list-style-type: none"> <li>(a) Authority; amount; appeal; written complaint.</li> <li>(b) Temporary closure; hearing.</li> <li>(c) Appeal from final decision.</li> <li>(d) Regulatory authority under tribal law.</li> </ul>
2714.	Judicial review.
2715.	Subpoena and deposition authority. <ul style="list-style-type: none"> <li>(a) Attendance, testimony, production of papers, etc.</li> <li>(b) Geographical location.</li> <li>(c) Refusal of subpoena; court order; contempt.</li> <li>(d) Depositions; notice.</li> <li>(e) Oath or affirmation required.</li> <li>(f) Witness fees.</li> </ul>
2716.	Investigative powers. <ul style="list-style-type: none"> <li>(a) Confidential information.</li> <li>(b) Provision to law enforcement officials.</li> <li>(c) Attorney General.</li> </ul>
2717.	Commission funding.
2717a.	Availability of class II gaming activity fees to carry out duties of Commission.
2718.	Authorization of appropriations.
2719.	Gaming on lands acquired after October 17, 1988. <ul style="list-style-type: none"> <li>(a) Prohibition on lands acquired in trust by Secretary.</li> <li>(b) Exceptions.</li> <li>(c) Authority of Secretary not affected.</li> <li>(d) Application of title 26.</li> </ul>
2720.	Dissemination of information.
2721.	Severability.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 941I, 1708, 1775b of this title; title 31 section 5312.

#### § 2701. Findings

The Congress finds that—

(1) numerous Indian tribes have become engaged in or have licensed gaming activities on Indian lands as a means of generating tribal governmental revenue;

(2) Federal courts have held that section 81 of this title requires Secretarial review of