

1614; Pub. L. 101-301, §5(e), May 24, 1990, 104 Stat. 208; Pub. L. 102-27, title III, §306, Apr. 10, 1991, 105 Stat. 152, provided for establishment, membership, etc., of a White House Conference on Indian Education to explore feasibility of establishing an independent Board of Indian Education that would assume responsibility for all existing Federal programs relating to education of Indians and develop recommendations for improvement of educational programs to make the programs more relevant to needs of Indians, established an Interagency Task Force on the White House Conference on Indian Education to plan and conduct the Conference and an Advisory Committee on the Conference to assist and advise the Task Force in planning and conducting the Conference, and directed the Conference to submit to President not later than 120 days following the close of the Conference a final report of the findings and recommendations made by the Conference, which final report was to be submitted by President to Congress within 90 days of receipt by President, with a statement of President's recommendations, and which final report was submitted to Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2002, 2007, 2010, 2017, 2506 of this title.

§ 2002. National criteria for dormitory situations

(a) Study of costs

The Secretary, in consultation with the Secretary of the Department of Education, and in consultation with Indian organizations and tribes, shall conduct or cause to be conducted by contract with an Indian organization, a study of the costs applicable to boarding arrangements for Indian students provided in Bureau schools, and contract or grant schools, for the purpose of establishing national criteria for such dormitory situations. Such criteria shall include adult-child ratios, needs for counselors (including special needs related to off-reservation boarding arrangements), space, and privacy.

(b) Distribution and publication of criteria

Not later than January 1, 1996, the Secretary shall propose such criteria, and shall distribute such proposed criteria to the tribes and publish such proposed criteria in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. Within 18 months of October 20, 1994, the Secretary shall establish final criteria, distribute such final criteria to all the tribes, and publish such final criteria in the Federal Register. The Secretary shall revise such final criteria periodically as necessary. Any revisions to the criteria established under this section shall be developed subject to requirements established under section 2011 of this title.

(c) Implementation

The Secretary shall begin to implement the criteria established under this section immediately upon the date of the establishment of such criteria. Not later than January 1, 1997, and at each time thereafter that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all Bureau contract boarding schools up to the criteria established under this section. Such plan shall include predictions for the relative need for each boarding school in the future, detailed information on the status of each school

in relation to the criteria established under this section, specific cost estimates for meeting such criteria at each school, and specific time lines for bringing each school up to the level required by such criteria.

(d) Waiver

(1) The criteria established under this section may be waived in the same manner as the standards provided under section 2001(c) of this title may be waived under section 2001(e) of this title.

(2) No school in operation on or before January 1, 1987 (regardless of compliance or non-compliance with the criteria established under this section) may be closed, transferred to another authority, consolidated or have its program substantially curtailed for failure to meet the criteria.

(e) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary in order to bring each school up to the level required by the criteria established under this section.

(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.)

PRIOR PROVISIONS

A 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.

AMENDMENTS

1998—Subsec. (d)(3). Pub. L. 105-362 struck out par. (3) which read as follows: “By not later than May 1, 1996, the Secretary shall submit to the Congress a report detailing the costs associated with, and the actions necessary for, complete compliance with the criteria established under this section.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2007, 2017 of this title.

§ 2003. Regulations

(a) Incorporation of part 32 of title 25 of Code of Federal Regulations

The provisions of part 32 of title 25 of the 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. Accordingly, such provisions may be altered only by means of an amendment to this subsection that is contained in an Act or joint resolution which is enacted into law. 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, 1978,¹ the provisions of this Act and the provisions of such other statutory law shall govern.

(b) Application of parts 31, 33, 36, 39, 42, and 43 of title 25 of Code of Federal Regulations

The provisions of parts 31, 33, 36, 39, 42, and 43 of title 25 of the Code of Federal Regulations, as

¹ See Codification note below.