

Apr. 28, 1988, 102 Stat. 382; Pub. L. 100-427, §1(c)(1), (2), Sept. 9, 1988, 102 Stat. 1603; Pub. L. 101-301, §5(a), May 24, 1990, 104 Stat. 207, defined terms used in this chapter, prior to the general amendment of this chapter by Pub. L. 103-382.

§ 2020. Voluntary services

Notwithstanding section 1342 of title 31, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this chapter shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 81 of title 5 and chapter 171 of title 28.

(Pub. L. 95-561, title XI, §1140, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4011.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title XI (§§1101-1152) of Pub. L. 95-561, which is classified principally to this chapter. For complete classification of title XI to the Code, see Tables.

PRIOR PROVISIONS

A prior section 2020, Pub. L. 95-561, title XI, §1140, as added Pub. L. 98-511, title V, §511, Oct. 19, 1984, 98 Stat. 2397; amended Pub. L. 99-89, §8, Aug. 15, 1985, 99 Stat. 383, contained identical provisions relating to voluntary services, prior to the general amendment of this chapter by Pub. L. 103-382.

§ 2021. Proration of pay

(a) Election of employee

Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school year over the entire 12-month period. Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally assisted programs, because of such election.

(b) Change of election

During the course of such year the employee may change election once.

(c) Lump sum payment

That portion of the employee's pay which would be paid between academic school years may be paid in lump sum at the election of the employee.

(d) “Educator” and “Education position” defined

For the purposes of this section the terms “educator” and “education position” have the meaning contained in paragraphs (1) and (2) of section 2012(n) of this title. This section applies to those individuals employed under the provisions of section 2012 of this title or title 5.

(Pub. L. 95-561, title XI, §1141, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4012.)

REFERENCES IN TEXT

The laws relating to dual compensation, referred to in subsec. (a), are classified generally to section 5531 et seq. of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 2021, Pub. L. 95-561, title XI, §1140A, formerly §1141, as added Pub. L. 98-511, title V, §512, Oct. 19, 1984, 98 Stat. 2398; renumbered §1140A and amended Pub. L. 99-89, §9(a)(1), (b), Aug. 15, 1985, 99 Stat. 383, contained similar provisions relating to proration of pay, prior to the general amendment of this chapter by Pub. L. 103-382.

A prior section 1141 of Pub. L. 95-561 was classified to section 2022a of this title prior to the general amendment of this chapter by Pub. L. 103-382.

§ 2022. Extracurricular activities

(a) Stipend

Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

(b) Election not to receive stipend

If an employee elects not to be compensated through the stipend established by this section, the appropriate provisions of title 5 shall apply.

(c) Coverage of Bureau employees

This section applies to all Bureau employees, whether employed under section 2012 of this title or title 5.

(Pub. L. 95-561, title XI, §1142, as added Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 4012.)

PRIOR PROVISIONS

Prior sections 2022 to 2022b were omitted in the general amendment of this chapter by Pub. L. 103-382.

Section 2022, Pub. L. 95-561, title XI, §1140B, formerly §1142, as added Pub. L. 98-511, title V, §512, Oct. 19, 1984, 98 Stat. 2398; renumbered §1140B, and amended Pub. L. 99-89, §9(a)(1), (c), Aug. 15, 1985, 99 Stat. 383, contained similar provisions relating to extracurricular activities.

Section 2022a, Pub. L. 95-561, title XI, §1141, as added Pub. L. 100-297, title V, §5116(2), Apr. 28, 1988, 102 Stat. 381, related to early childhood development program.

Section 2022b, Pub. L. 95-561, title XI, §1142, as added Pub. L. 100-297, title V, §5119, Apr. 28, 1988, 102 Stat. 383, related to tribal departments of education.

§ 2023. Early childhood development program

(a) In general

The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

(b) Amount of grant

(1) The total amount of the grants provided under subsection (a) of this section with respect to each tribe, tribal organization, or consortium

of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (g) of this section for such fiscal year (less amounts provided under subsection (f) of this section) as—

(A) the total number of children under 6 years of age who are members of—

- (i) such tribe,
- (ii) the tribe that authorized such tribal organization, or
- (iii) any tribe that—
 - (I) is a member of such consortium, or
 - (II) authorizes any tribal organization that is a member of such consortium, bears to

(B) the total number of all children under 6 years of age who are members of any tribe that—

- (i) is eligible to receive funds under subsection (a) of this section,
- (ii) is a member of a consortium that is eligible to receive such funds, or
- (iii) authorizes a tribal organization that is eligible to receive such funds.

(2) No grant may be provided under subsection (a) of this section—

(A) to any tribe that has less than 500 members,

(B) to any tribal organization which is authorized—

- (i) by only 1 tribe that has less than 500 members, or
- (ii) by 1 or more tribes that have a combined total membership of less than 500 members, or

(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

(c) Application

(1) A grant may be provided under subsection (a) of this section to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

(2) Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

(d) Functions of programs

The early childhood development programs that are funded by grants provided under subsection (a) of this section—

(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

- (A) prenatal care,
- (B) nutrition education,
- (C) health education and screening,
- (D) family literacy services,
- (E) educational testing, and
- (F) other educational services,

(2) may include instruction in the language, art, and culture of the tribe, and

(3) shall provide for periodic assessment of the program.

(e) Coordination with other programs

Family literacy programs operated under this section, and other family literacy programs operated by the Bureau of Indian Affairs, shall be coordinated with family literacy programs for American Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6361 et seq.] in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving American Indians.

(f) Administrative costs

The Secretary shall, out of funds appropriated under the authority of subsection (g) of this section, include in the grants provided under subsection (a) of this section amounts for administrative costs incurred by the tribe or tribal organization in establishing and maintaining the early childhood development program.

(g) Authorization of appropriations

For the purpose of carrying out the provisions of this section, there are authorized to be appropriated \$10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

(Pub. L. 95-561, title XI, § 1143, as added Pub. L. 103-382, title III, § 381, Oct. 20, 1994, 108 Stat. 4012; amended Pub. L. 106-554, § 1(a)(4) [div. B, title XVI, § 1607(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-335.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (e), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Part B of title I of the Act is classified generally to part B (§ 6361 et seq.) of subchapter I of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

PRIOR PROVISIONS

A prior section 2023, Pub. L. 95-561, title XI, § 1143, as added Pub. L. 98-511, title V, § 512, Oct. 19, 1984, 98 Stat. 2398, related to employee housing, rental rates, and waiver of rentals during non-session periods and non-pay status, prior to repeal by Pub. L. 99-89, § 9(a)(2), Aug. 15, 1985, 99 Stat. 383.

AMENDMENTS

2000—Subsec. (b)(1). Pub. L. 106-554, § 1(a)(4) [div. B, title XVI, § 1607(a)(1)], in introductory provisions, substituted “(g)” for “(f)” and “(f)” for “(e)”.

Subsec. (d)(1)(D) to (F). Pub. L. 106-554, § 1(a)(4) [div. B, title XVI, § 1607(a)(2)], added subpar. (D) and redesignated former subpars. (D) and (E) as (E) and (F), respectively.

Subsec. (e). Pub. L. 106-554, § 1(a)(4) [div. B, title XVI, § 1607(a)(5)], added subsec. (e). Former subsec. (e) redesignated (f).

Pub. L. 106-554, § 1(a)(4) [div. B, title XVI, § 1607(a)(3)], substituted “(g) of this section,” for “(f) of this section.”

Subsecs. (f), (g). Pub. L. 106-554, § 1(a)(4) [div. B, title XVI, § 1607(a)(4)], redesignated subsecs. (e) and (f) as (f) and (g), respectively.

§ 2024. Tribal departments of education

(a) In general

Subject to the availability of appropriations, the Secretary shall provide grants and technical