

providing health services and benefits to Indians, was renumbered section 4208A of Pub. L. 99-570 by Pub. L. 102-573, title VII, § 702(b)(1), Oct. 29, 1992, 106 Stat. 4582, and transferred to section 2414a of this title.

§§ 2472 to 2478. Repealed. Pub. L. 102-573, title VII, § 702(b)(2), Oct. 29, 1992, 106 Stat. 4582

Section 2472, Pub. L. 99-570, title IV, § 4225, Oct. 27, 1986, 100 Stat. 3207-148, related to responsibilities of Indian Health Service for alcohol and substance abuse prevention and treatment. See section 1665 of this title.

Section 2473, Pub. L. 99-570, title IV, § 4226, Oct. 27, 1986, 100 Stat. 3207-149; Pub. L. 100-690, title II, § 2217, Nov. 18, 1988, 102 Stat. 4222, provided for program of alcohol and substance abuse prevention and treatment through Indian Health Service. See section 1665a of this title.

Section 2474, Pub. L. 99-570, title IV, § 4227, Oct. 27, 1986, 100 Stat. 3207-149; Pub. L. 100-690, title II, § 2212, Nov. 18, 1988, 102 Stat. 4219; Pub. L. 101-630, title V, § 509(a), Nov. 28, 1990, 104 Stat. 4567, provided for Indian Health Service program of alcohol and substance abuse detoxification and rehabilitation for Indian youth. See section 1665c of this title.

Section 2475, Pub. L. 99-570, title IV, § 4228, Oct. 27, 1986, 100 Stat. 3207-150; Pub. L. 100-690, title II, § 2213, Nov. 18, 1988, 102 Stat. 4220, provided for program of training and community education about alcohol and substance abuse. See section 1665d of this title.

Section 2476, Pub. L. 99-570, title IV, § 4229, Oct. 27, 1986, 100 Stat. 3207-152; Pub. L. 100-690, title II, § 2214, Nov. 18, 1988, 102 Stat. 4220, provided for establishment of Navajo alcohol rehabilitation demonstration program.

Section 2477, Pub. L. 99-570, title IV, § 4230, Oct. 27, 1986, 100 Stat. 3207-152, related to compilation of data and preparation of reports on cases of alcohol or substance abuse in which Indian Health Service personnel or services were involved. See section 1665f of this title.

Section 2478, Pub. L. 99-570, title IV, § 4231, as added Pub. L. 100-690, title II, § 2215, Nov. 18, 1988, 102 Stat. 4221, authorized grants for alcohol and substance abuse prevention and treatment in urban centers.

CHAPTER 27—TRIBALLY CONTROLLED SCHOOL GRANTS

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2001, 2008, 2026, 3207 of this title; title 20 sections 7813, 8064.

§ 2501. Findings

The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, Indians, finds that—

(1) the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et seq.], which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

(2) the Bureau of Indian Affairs' administration and domination of the contracting process under such Act [25 U.S.C. 450 et seq.] has not provided the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities;

(3) Indians will never surrender their desire to control their relationships both among themselves and with the non-Indian governments, organizations, and persons;

(4) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;

(5) the Federal administration of education for Indian children has not effected the desired level of educational achievement nor created the diverse opportunities and personal satisfaction which education can and should provide;

(6) true local control requires the least possible Federal interference; and

(7) the time has come to enhance the concepts made manifest in the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et seq.].

(Pub. L. 100-297, title V, § 5202, Apr. 28, 1988, 102 Stat. 385.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in pars. (1), (2), and (7), is Pub. L.

93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

EFFECTIVE DATE

For effective date and applicability of chapter, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of Title 20, Education.

SHORT TITLE

Section 5201 of Pub. L. 100-297 provided that: "This part [part B (§§5201-5212) of title V of Pub. L. 100-297, enacting this chapter] may be cited as the 'Tribally Controlled Schools Act of 1988'."

§ 2502. Declaration of policy

(a) Recognition

The Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.

(b) Commitment

The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will deter further perpetuation of Federal bureaucratic domination of programs.

(c) National goal

The Congress declares that a major national goal of the United States is to provide the resources, processes, and structures which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

(d) Educational needs

The Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities. These may best be met through a grant process.

(e) Federal relations

The Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for Federal relations with the Indian Nations.

(f) Termination

The Congress hereby repudiates and rejects House Concurrent Resolution 108 of the 83rd Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

(Pub. L. 100-297, title V, §5203, Apr. 28, 1988, 102 Stat. 385.)

REFERENCES IN TEXT

House Concurrent Resolution 108 of the 83rd Congress, referred to in subsec. (f), is H. Con. Res. 108, Eighty-

third Congress, Aug. 1, 1953, 67 Stat. B132, which is not classified to the Code.

§ 2503. Grants authorized

(a) In general

(1) The Secretary shall provide grants to Indian tribes, and tribal organizations, that—

(A) operate contract schools under title XI of the Education Amendments of 1978 [25 U.S.C. 2001 et seq.] and notify the Secretary of their election to operate the schools with assistance under this chapter rather than continuing as contract schools;

(B) operate other tribally controlled schools eligible for assistance under this chapter and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

(C) elect to assume operation of Bureau schools with assistance under this chapter and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.

(2) Grants provided under this chapter shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is provided.

(3)(A) Except as otherwise provided in this paragraph, grants provided under this chapter shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education-related activities for which any funds that compose the grant may be used under the laws described in section 2504(a) of this title, including but not limited to, expenditures for—

(i) school operations, academic, educational, residential, guidance and counseling, and administrative purposes, and

(ii) support services for the school, including transportation.

(B) Grants provided under this chapter may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operation and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 2504(a) of this title.

(C) If funds allocated to a tribally controlled school under title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.], the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], or any Federal education law other than title XI of the Education Amendments of 1978 [25 U.S.C. 2001 et seq.] are included in a grant provided under this chapter, a portion of the grant equal to the amount of the funds allocated under such law shall be expended only for those activities for which funds provided under such law may be expended under the terms of such law.

(b) Limitations

(1) No more than one grant may be provided under this chapter with respect to any Indian tribe or tribal organization for any fiscal year.

(2) Funds provided under any grant made under this chapter may not be used in connec-