

grams, see section 5 of Pub. L. 107–110, set out as a note under section 6301 of Title 20, Education.

§ 2018. Regional meetings and negotiated rulemaking

(a) Regional meetings

Prior to publishing any proposed regulations under subsection (b)(1), and prior to establishing the negotiated rulemaking committee under subsection (b)(3), the Secretary shall convene regional meetings to consult with personnel of the Office of Indian Education Programs, educators at Bureau schools, and tribal officials, parents, teachers, administrators, and school board members of tribes served by Bureau-funded schools to provide guidance to the Secretary on the content of regulations authorized to be promulgated under this chapter and the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.].

(b) Negotiated rulemaking

(1) In general

Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary shall promulgate regulations authorized under subsection (a) and under the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.], in accordance with the negotiated rulemaking procedures provided for under subchapter III of chapter 5 of title 5, and shall publish final regulations in the Federal Register.

(2) Notification to Congress

If draft regulations implementing this chapter and the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.] are not promulgated in final form within 18 months after January 8, 2002, the Secretary shall notify the appropriate committees of Congress of which draft regulations were not promulgated in final form by the deadline and the reason such final regulations were not promulgated.

(3) Rulemaking committee

The Secretary shall establish a negotiated rulemaking committee to carry out this subsection. In establishing such committee, the Secretary shall—

(A) apply the procedures provided for under subchapter III of chapter 5 of title 5 in a manner that reflects the unique government-to-government relationship between Indian tribes and the United States;

(B) ensure that the membership of the committee includes only representatives of the Federal Government and of tribes served by Bureau-funded schools;

(C) select the tribal representatives of the committee from among individuals nominated by the representatives of the tribal and tribally operated schools;

(D) ensure, to the maximum extent possible, that the tribal representative membership on the committee reflects the proportionate share of students from tribes served by the Bureau-funded school system; and

(E) comply with chapter 10 of title 5.

(4) Special rule

The Secretary shall carry out this section using the general administrative funds of the

Department of the Interior. In accordance with subchapter III of chapter 5 of title 5 and section 1006(d) of title 5, payment of costs associated with negotiated rulemaking shall include the reasonable expenses of committee members.

(c) Application of section

(1) Supremacy of provisions

The provisions of this section shall supersede any conflicting regulations in effect on the day before the date of enactment of this chapter, and the Secretary may repeal any regulation that is inconsistent with the provisions of this chapter.

(2) Modifications

The Secretary may modify regulations promulgated under this section or the Tribally Controlled Schools Act of 1988 [25 U.S.C. 2501 et seq.], only in accordance with this section.

(Pub. L. 95–561, title XI, § 1138, as added Pub. L. 107–110, title X, § 1042, Jan. 8, 2002, 115 Stat. 2057; amended Pub. L. 117–286, § 4(a)(182), Dec. 27, 2022, 136 Stat. 4326.)

Editorial Notes

REFERENCES IN TEXT

The Tribally Controlled Schools Act of 1988, referred to in subsecs. (a), (b)(1), (2), and (c)(2), is part B (§5201–5212) of title V of Pub. L. 100–297, Apr. 28, 1988, 102 Stat. 385, as amended, which is classified generally to chapter 27 (§2501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

The date of enactment of this chapter, referred to in subsec. (c)(1), probably means the date of enactment of Pub. L. 107–110, which amended this chapter generally and was approved Jan. 8, 2002.

PRIOR PROVISIONS

A prior section 2018, Pub. L. 95–561, title XI, § 1138, as added Pub. L. 103–382, title III, § 381, Oct. 20, 1994, 108 Stat. 4011, related to rights of Indian students, prior to the general amendment of this chapter by Pub. L. 107–110. See section 2016 of this title.

Another prior section 2018, Pub. L. 95–561, title XI, § 1138, Nov. 1, 1978, 92 Stat. 2327; Pub. L. 98–511, title V, § 510, Oct. 19, 1984, 98 Stat. 2397, related to regulations implementing administrative provisions, prior to the general amendment of this chapter by Pub. L. 103–382.

AMENDMENTS

2022—Subsec. (b)(3)(E). Pub. L. 117–286, § 4(a)(182)(A), substituted “chapter 10 of title 5,” for “the Federal Advisory Committee Act (5 U.S.C. App.).”

Subsec. (b)(4). Pub. L. 117–286, § 4(a)(182)(B), substituted “section 1006(d) of title 5,” for “section 7(d) of the Federal Advisory Committee Act.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107–110, set out as a note under section 6301 of Title 20, Education.

§ 2019. 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 de-