

(e) Administrative costs

Not more than 5 percent of the funds made available to an entity through a grant or contract made or entered into under this section for a fiscal year may be used to pay for administrative costs.

(Pub. L. 89–10, title VII, §7136, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1929.)

PRIOR PROVISIONS

A prior section 7456, Pub. L. 89–10, title VII, §7136, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3732, related to instructional materials development, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6935 of this title.

SUBPART 4—FEDERAL ADMINISTRATION

§ 7471. National Advisory Council on Indian Education**(a) Membership**

There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the “Council”), which shall—

- (1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and
- (2) represent different geographic areas of the United States.

(b) Duties

The Council shall—

(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

- (A) with respect to which the Secretary has jurisdiction; and
- (B)(i) that includes Indian children or adults as participants; or
- (ii) that may benefit Indian children or adults;

(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

(3) submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

- (A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and
- (B) recommendations concerning the funding of any program described in subparagraph (A).

(Pub. L. 89–10, title VII, §7141, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1930.)

PRIOR PROVISIONS

A prior section 7471, Pub. L. 89–10, title VII, §7141, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3732, set forth purpose of former subpart relating to professional development, prior to the general amend-

ment of this subchapter by Pub. L. 107–110. See section 6951 of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 7472. Peer review

The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or subpart 3 of this part.

(Pub. L. 89–10, title VII, §7142, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1931.)

PRIOR PROVISIONS

A prior section 7472, Pub. L. 89–10, title VII, §7142, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3732, related to training for all teachers program, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 7473. Preference for Indian applicants

In making grants and entering into contracts or cooperative agreements under subpart 2 or subpart 3 of this part, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

(Pub. L. 89–10, title VII, §7143, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1931.)

PRIOR PROVISIONS

A prior section 7473, Pub. L. 89–10, title VII, §7143, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3733, related to bilingual education teachers and personnel grants, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6951 of this title.

§ 7474. Minimum grant criteria

The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or subpart 3 of this part unless the application is for a grant, contract, or cooperative agreement that is—

- (1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and
- (2) based on relevant research findings.

(Pub. L. 89–10, title VII, §7144, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1931.)

PRIOR PROVISIONS

A prior section 7474, Pub. L. 89–10, title VII, §7144, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3733, related to bilingual education career ladder pro-