

is classified generally to subchapter VIII (§2991 et seq.) of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 2991 of Title 42 and Tables.

The American Indian Religious Freedom Act, referred to in par. (13)(B), is Pub. L. 95-341, Aug. 11, 1978, 92 Stat. 469, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

The National Museum of the American Indian Act, referred to in par. (13)(C), is Pub. L. 101-185, Nov. 28, 1989, 103 Stat. 1336, which is classified generally to subchapter XIII (§80q et seq.) of chapter 3 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 80q of this title and Tables.

The Native American Graves Protection and Repatriation Act, referred to in par. (13)(D), is Pub. L. 101-601, Nov. 16, 1990, 104 Stat. 3048, which is classified principally to chapter 32 (§3001 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 25 and Tables.

The National Historic Preservation Act, referred to in par. (13)(E), is Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, which is classified generally to subchapter II (§470 et seq.) of chapter 1A of Title 16, Conservation. For complete classification of this Act to the Code, see section 470(a) of Title 16 and Tables.

The Native American Languages Act, referred to in par. (13)(F), is title I of Pub. L. 101-477, Oct. 30, 1990, 104 Stat. 1153, which is classified generally to chapter 31 (§2901 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 2901 of Title 25 and Tables.

The American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act, referred to in par. (13)(G), is title XV of Pub. L. 99-498, Oct. 17, 1986, 100 Stat. 1600, which is classified generally to chapter 56 (§4401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4401 of this title and Tables.

The Workforce Investment Act of 1998, referred to in par. (13)(H), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936. Title I of the Act is classified principally to chapter 30 (§2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Older Americans Act of 1965, referred to in par. (13)(I), is Pub. L. 89-73, July 14, 1965, 79 Stat. 218, which is classified generally to chapter 35 (§3001 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

The Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, referred to in pars. (15) and (16), is Pub. L. 100-297, Apr. 28, 1988, 102 Stat. 130. Title IV of the Act was classified generally to chapter 61 (§4901 et seq.) of this title prior to repeal by Pub. L. 103-382, title III, §363, Oct. 20, 1994, 108 Stat. 3975.

#### PRIOR PROVISIONS

A prior section 7512, Pub. L. 89-10, title VII, §7202, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3737, set forth findings of the Foreign Language Assistance Act of 1994, prior to the general amendment of this subchapter by Pub. L. 107-110.

#### AMENDMENTS

2010—Par. (16)(E). Pub. L. 111-256 substituted “mild intellectual disabilities,” for “mild mental retardation.”.

#### DEFINITIONS

For meaning of references to an intellectual disability and to individuals with intellectual disabilities in

provisions amended by section 2 of Pub. L. 111-256, see section 2(k) of Pub. L. 111-256, set out as a note under section 1400 of this title.

### § 7513. Purposes

The purposes of this part are to—

(1) authorize and develop innovative educational programs to assist Native Hawaiians;

(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

(3) supplement and expand programs and authorities in the area of education to further the purposes of this subchapter; and

(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

(Pub. L. 89-10, title VII, §7203, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1937.)

#### PRIOR PROVISIONS

A prior section 7513, Pub. L. 89-10, title VII, §7203, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3737, authorized foreign language assistance program, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 7259a of this title.

### § 7514. Native Hawaiian Education Council and island councils

#### (a) Establishment of Native Hawaiian Education Council

In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (hereafter in this part referred to as the “Education Council”).

#### (b) Composition of Education Council

The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

#### (c) Conditions and terms

##### (1) Conditions

At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawaii Office of Hawaiian Affairs shall serve as a member of the Education Council.

##### (2) Appointments

The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

##### (3) Terms

Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

##### (4) Council determinations

Additional conditions and terms relating to membership on the Education Council, includ-

ing term lengths and term renewals, shall be determined by a majority of the Education Council.

**(d) Native Hawaiian Education Council grant**

The Secretary shall make a direct grant to the Education Council to carry out the following activities:

(1) Coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

(2) Assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education.

(3) Provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity.

(4) Make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

**(e) Additional duties of the Education Council**

**(1) In general**

The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i) of this section, to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

**(2) Annual report**

The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

**(3) Island council support and assistance**

The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) of this section as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

**(f) Establishment of island councils**

**(1) In general**

In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as an "island council") for the following islands:

- (A) Hawaii.
- (B) Maui.
- (C) Molokai.
- (D) Lanai.
- (E) Oahu.
- (F) Kauai.
- (G) Niihau.

**(2) Composition of island councils**

Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least three-fourths of the members of each island council shall be Native Hawaiians.

**(g) Administrative provisions relating to Education Council and island councils**

The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

**(h) Compensation**

Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

**(i) Report**

Not later than 4 years after January 8, 2002, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

(Pub. L. 89-10, title VII, §7204, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1937.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (g), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 7514, Pub. L. 89-10, title VII, §7204, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3738, related to applications for grants, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 7259b of this title.

**§ 7515. Program authorized**

**(a) General authority**

**(1) Grants and contracts**

The Secretary is authorized to make direct grants to, or enter into contracts with—

- (A) Native Hawaiian educational organizations;
- (B) Native Hawaiian community-based organizations;
- (C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and