

(4) Special rule and conditions**(A) Institutions outside Hawaii**

The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawaii from receiving a scholarship pursuant to paragraph (3)(I).

(B) Scholarship conditions

The Secretary shall establish conditions for receipt of a scholarship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

(b) Administrative costs

Not more than 5 percent of funds provided to a recipient of a grant or contract under subsection (a) of this section for any fiscal year may be used for administrative purposes.

(c) Authorization of appropriations**(1) In general**

There are authorized to be appropriated to carry out this section and section 7514 of this title such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

(2) Reservation

Of the funds appropriated under this subsection, the Secretary shall reserve \$500,000 for fiscal year 2002 and each of the 5 succeeding fiscal years to make a direct grant to the Education Council to carry out section 7514 of this title.

(3) Availability

Funds appropriated under this subsection shall remain available until expended.

(Pub. L. 89-10, title VII, §7205, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1939.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (a)(3)(D)(iii), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

PRIOR PROVISIONS

A prior section 7515, Pub. L. 89-10, title VII, §7205, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3738, related to elementary school foreign language incentive program, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 7259c of this title.

§ 7516. Administrative provisions**(a) Application required**

No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such

time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

(b) Special rule

Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

(Pub. L. 89-10, title VII, §7206, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1941.)

PRIOR PROVISIONS

A prior section 7516, Pub. L. 89-10, title VII, §7206, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3739, authorized appropriations for foreign language assistance, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 7517. Definitions

In this part:

(1) Native Hawaiian

The term “Native Hawaiian” means any individual who is—

- (A) a citizen of the United States; and
- (B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—
 - (i) genealogical records;
 - (ii) Kupuna (elders) or Kamaaina (long-term community residents) verification; or
 - (iii) certified birth records.

(2) Native Hawaiian community-based organization

The term “Native Hawaiian community-based organization” means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

(3) Native Hawaiian educational organization

The term “Native Hawaiian educational organization” means a private nonprofit organization that—

- (A) serves the interests of Native Hawaiians;
- (B) has Native Hawaiians in substantive and policymaking positions within the organization;
- (C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;
- (D) has demonstrated expertise in the education of Native Hawaiian youth; and
- (E) has demonstrated expertise in research and program development.

(4) Native Hawaiian language

The term “Native Hawaiian language” means the single Native American language indigenous to the original inhabitants of the State of Hawaii.

(5) Native Hawaiian organization

The term “Native Hawaiian organization” means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians;

(B) has Native Hawaiians in substantive and policymaking positions within the organization; and

(C) is recognized by the Governor of Hawaii for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

(6) Office of Hawaiian Affairs

The term “Office of Hawaiian Affairs” means the Office of Hawaiian Affairs established by the Constitution of the State of Hawaii.

(Pub. L. 89–10, title VII, §7207, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1941.)

PART C—ALASKA NATIVE EDUCATION

§ 7541. Short title

This part may be cited as the “Alaska Native Educational Equity, Support, and Assistance Act”.

(Pub. L. 89–10, title VII, §7301, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1942.)

PRIOR PROVISIONS

Provisions naming former part C (§7931 et seq.) of subchapter IX of this chapter as the “Alaska Native Educational Equity, Support and Assistance Act” were contained in section 7931 of this title, prior to the general amendment of subchapter IX by Pub. L. 107–110.

A prior section 7541, Pub. L. 89–10, title VII, §7301, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3739, set forth findings and purpose of emergency immigrant education program, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6961 of this title.

§ 7542. Findings

Congress finds and declares the following:

(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

(3) Alaska Native children enter and exit school with serious educational handicaps.

(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

(5) The programs authorized in this part, combined with expanded Head Start, infant learning, and early childhood education programs, and parent education programs, are essential if educational handicaps are to be overcome.

(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

(7) Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

(Pub. L. 89–10, title VII, §7302, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1942.)

PRIOR PROVISIONS

A prior section 7542, Pub. L. 89–10, title VII, §7302, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3739, related to State administrative costs, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6962 of this title.

§ 7543. Purposes

The purposes of this part are as follows:

(1) To recognize the unique educational needs of Alaska Natives.

(2) To authorize the development of supplemental educational programs to benefit Alaska Natives.

(3) To supplement existing programs and authorities in the area of education to further the purposes of this part.

(4) To provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

(Pub. L. 89–10, title VII, §7303, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1943.)

PRIOR PROVISIONS

A prior section 7543, Pub. L. 89–10, title VII, §7303, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3739, related to withholding, prior to the general amendment of this subchapter by Pub. L. 107–110. See section 6963 of this title.

§ 7544. Program authorized**(a) General authority****(1) Grants and contracts**

The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this part.