

grams, of students who are enrolled in the school's programs.

**(2) Limitation**

The Secretary shall not give a priority in awarding grants under this section based on the information described in paragraph (1)(E).

**(3) Submission of certification**

**(A) In general**

An eligible entity that is a public elementary school or secondary school (including a public charter school or a school operated by the Bureau of Indian Education) or a non-tribal for-profit or nonprofit organization shall submit, along with the application requirements described in paragraph (1), a certification described in subparagraph (B) indicating that—

(i) the school or organization has the capacity to provide education primarily through a Native American or an Alaska Native language; and

(ii) there are sufficient speakers of the target language at the school or available to be hired by the school or organization.

**(B) Certification**

The certification described in subparagraph (A) shall be from one of the following entities, on whose land the school or program is located, that is an entity served by such school, or that is an entity whose members (as defined by that entity) are served by the school:

(i) A Tribal College or University (as defined in section 1059c of this title).

(ii) A Federally recognized Indian tribe or tribal organization.

(iii) An Alaska Native Regional Corporation or an Alaska Native nonprofit organization.

(iv) A Native Hawaiian organization.

**(d) Awarding of grants**

In awarding grants under this section, the Secretary shall—

(1) determine the amount of each grant and the duration of each grant, which shall not exceed 3 years; and

(2) ensure, to the maximum extent feasible, that diversity in languages is represented.

**(e) Activities authorized**

**(1) Required activities**

An eligible entity that receives a grant under this section shall use such funds to carry out the following activities:

(A) Supporting Native American or Alaska Native language education and development.

(B) Providing professional development for teachers and, as appropriate, staff and administrators to strengthen the overall language and academic goals of the school that will be served by the grant program.

**(2) Allowable activities**

An eligible entity that receives a grant under this section may use such funds to carry out the following activities:

(A) Developing or refining curriculum, including teaching materials and activities, as appropriate.

(B) Creating or refining assessments written in the Native American or Alaska Native language of instruction that measure student proficiency and that are aligned with State or tribal academic standards.

(C) Carrying out other activities that promote the maintenance and revitalization of the Native American or Alaska Native language relevant to the grant program.

**(f) Report to Secretary**

Each eligible entity that receives a grant under this section shall prepare and submit an annual report to the Secretary, which shall include—

(1) the activities the entity carried out to meet the purposes of this section; and

(2) the number of children served by the program and the number of instructional hours in the Native American or Alaska Native language.

**(g) Administrative costs**

Not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

(Pub. L. 89-10, title VI, §6133, as added Pub. L. 114-95, title VI, §6002(o), Dec. 10, 2015, 129 Stat. 2057.)

REFERENCES IN TEXT

The Native American Languages Act, referred to in subsec. (a)(2), 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.

PRIOR PROVISIONS

A prior section 7453, Pub. L. 89-10, title VI, §6133, formerly title VII, §7133, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1924; renumbered title VI, §6133, Pub. L. 114-95, title VI, §6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046, related to fellowships for Indian students, prior to repeal by Pub. L. 114-95, §5, title VI, §6002(n)(1), Dec. 10, 2015, 129 Stat. 1806, 2057, effective Dec. 10, 2015, except with respect to certain non-competitive programs and competitive programs.

Another prior section 7453, Pub. L. 89-10, title VII, §7133, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3730, related to academic excellence awards, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

A prior section 6133 of Pub. L. 89-10 was classified to section 7311b of this title, prior to repeal by Pub. L. 114-95.

EFFECTIVE DATE

Section effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

**§ 7454. Repealed. Pub. L. 114-95, title VI, § 6002(n)(1), Dec. 10, 2015, 129 Stat. 2057**

Section, Pub. L. 89-10, title VI, §6134, formerly title VII, §7134, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1925; amended Pub. L. 110-315, title IX, §941(k)(2)(F)(ii), Aug. 14, 2008, 122 Stat. 3466; renumbered title VI, §6134, Pub. L. 114-95, title VI, §6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046, related to gifted and talented Indian students.

A prior section 7454, Pub. L. 89-10, title VII, §7134, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat.

3730, related to State grant program, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

### § 7455. Transferred

#### CODIFICATION

Section, Pub. L. 89-10, title VII, §7135, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1928, which related to grants to Indian tribes for education administrative planning and development, was renumbered title VI, §6132, of Pub. L. 89-10 by Pub. L. 114-95, title VI, §§6001(a), (b)(1), 6002(n)(2), Dec. 10, 2015, 129 Stat. 2046, 2057, and transferred to section 7452 of this title.

#### PRIOR PROVISIONS

A prior section 7455, Pub. L. 89-10, title VII, §7135, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3731, established National Clearinghouse for Bilingual Education, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

### § 7456. Repealed. Pub. L. 114-95, title VI, § 6002(q), Dec. 10, 2015, 129 Stat. 2062

Section, Pub. L. 89-10, title VI, §6136, formerly title VII, §7136, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1929; renumbered title VI, §6136, Pub. L. 114-95, title VI, §6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046, related to improvement of educational opportunities for adult Indians.

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 former subchapter VII of this chapter by Pub. L. 107-110.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 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 and the Secretary of the Interior 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 VI, §6141, formerly title VII, §7141, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1930; renumbered title VI, §6141, and amended Pub. L. 114-95, title VI, §§6001(a), (b)(1), 6002(r), Dec. 10, 2015, 129 Stat. 2046, 2062.)

#### 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 amendment of former subchapter VII of this chapter by Pub. L. 107-110.

A prior section 6141 of Pub. L. 89-10 was classified to section 7315 of this title, prior to repeal by Pub. L. 114-95.

#### AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114-95, §6002(r), inserted “and the Secretary of the Interior” after “advise the Secretary” in introductory provisions.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 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 VI, §6142, formerly title VII, §7142, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1931; renumbered title VI, §6142, Pub. L. 114-95, title VI, §6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)