

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 Repealed.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.)

## 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. 3736, related to training for all teachers program, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

A prior section 6142 of Pub. L. 89-10 was classified to section 7315a of this title, prior to repeal by Pub. L. 114-95.

**§ 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 VI, §6143, formerly title VII, §7143, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1931; renumbered title VI, §6143, Pub. L. 114-95, title VI, §6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

## 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. 3736, related to bilingual education teachers and personnel grants, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

A prior section 6143 of Pub. L. 89-10 was classified to section 7315b of this title, prior to repeal by Pub. L. 114-95.

**§ 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 VI, §6144, formerly title VII, §7144, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1931; renumbered title VI, §6144, Pub. L. 114-95, title VI, §6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

## 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. 3736, related to bilingual education career ladder program, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

A prior section 6144 of Pub. L. 89-10 was classified to section 7315c of this title, prior to repeal by Pub. L. 114-95.

Prior sections 7475 to 7480 were omitted in the general amendment of former subchapter VII of this chapter by Pub. L. 107-110.

Section 7475, Pub. L. 89-10, title VII, §7145, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3734, related to graduate fellowships in bilingual education program.

Section 7476, Pub. L. 89-10, title VII, §7146, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3735, related to application for professional development award.

Section 7477, Pub. L. 89-10, title VII, §7147, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3736, set forth program requirements.

Section 7478, Pub. L. 89-10, title VII, §7148, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3736, authorized payment of stipends to persons participating in programs.

Section 7479, Pub. L. 89-10, title VII, §7149, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3736, related to program evaluations.

Section 7480, Pub. L. 89-10, title VII, §7150, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3736, related to use of funds for second language competence.

## SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

**§ 7491. Definitions**

For the purposes of this part:

**(1) Adult**

The term “adult” means an individual who—

- (A) has attained the age of 16 years; or
- (B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

**(2) Free public education**

The term “free public education” means education that is—

- (A) provided at public expense, under public supervision and direction, and without tuition charge; and
- (B) provided as elementary or secondary education in the applicable State or to pre-school children.

**(3) Indian**

The term “Indian” means an individual who is—

- (A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—
  - (i) any tribe or band terminated since 1940; and
  - (ii) any tribe or band recognized by the State in which the tribe or band resides;
- (B) a descendant, in the first or second degree, of an individual described in subparagraph (A);
- (C) considered by the Secretary of the Interior to be an Indian for any purpose;
- (D) an Eskimo, Aleut, or other Alaska Native; or
- (E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding October 20, 1994.

**(4) Traditional leaders**

The term “traditional leaders” has the meaning given the term in section 2902 of title 25.

(Pub. L. 89-10, title VI, §6151, formerly title VII, §7151, as added Pub. L. 107-110, title VII, §701, Jan. 8, 2002, 115 Stat. 1931; renumbered title VI, §6151, and amended Pub. L. 114-95, title VI, §6001(a), (b)(1), §6002(s), Dec. 10, 2015, 129 Stat. 2046, 2062.)

## REFERENCES IN TEXT

The Indian Education Act of 1988, as in effect the day preceding October 20, 1994, referred to in par. (3)(E), is