

## 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

part C (§§ 5301–5352) of title V of Pub. L. 100–297, Apr. 28, 1988, 102 Stat. 395, which was classified principally to chapter 28 (§2601 et seq.) of Title 25, Indians, prior to repeal by Pub. L. 103–382, title III, §367, Oct. 20, 1994, 108 Stat. 3976.

#### PRIOR PROVISIONS

A prior section 7491, Pub. L. 89–10, title VII, §7161, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3736, set forth special rule relating to transition, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6151 of Pub. L. 89–10 was classified to section 7321 of this title, prior to repeal by Pub. L. 114–95.

#### AMENDMENTS

2015—Par. (4). Pub. L. 114–95, §6002(s), added par. (4).

#### 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.

### § 7492. Authorizations of appropriations

#### (a) Subpart 1

For the purpose of carrying out subpart 1 of this part, there are authorized to be appropriated \$100,381,000 for fiscal year 2017, \$102,388,620 for fiscal year 2018, \$104,436,392 for fiscal year 2019, and \$106,525,120 for fiscal year 2020.

#### (b) Subpart 2

For the purpose of carrying out subpart 2 of this part, there are authorized to be appropriated \$17,993,000 for each of fiscal years 2017 through 2020.

#### (c) Subpart 3

For the purpose of carrying out subpart 3, there are authorized to be appropriated \$5,565,000 for each of fiscal years 2017 through 2020.

(Pub. L. 89–10, title VI, §6152, formerly title VII, §7152, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1932; renumbered title VI, §6152, and amended Pub. L. 114–95, title VI, §§6001(a), (b)(1), 6002(t), Dec. 10, 2015, 129 Stat. 2046, 2062.)

#### PRIOR PROVISIONS

A prior section 6152 of Pub. L. 89–10 was classified to section 7321a of this title, prior to repeal by Pub. L. 114–95.

#### AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, §6002(t)(1), substituted “\$100,381,000 for fiscal year 2017, \$102,388,620 for fiscal year 2018, \$104,436,392 for fiscal year 2019, and \$106,525,120 for fiscal year 2020” for “\$96,400,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

Subsec. (b). Pub. L. 114–95, §6002(t)(2), in heading, substituted “Subpart 2” for “Subparts 2 and 3”, and in text, substituted “subpart 2” for “subparts 2 and 3” and “\$17,993,000 for each of fiscal years 2017 through 2020” for “\$24,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

Subsec. (c). Pub. L. 114–95, §6002(t)(3), added subsec. (c).

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

#### PART B—NATIVE HAWAIIAN EDUCATION

### § 7511. Short title

This part may be cited as the “Native Hawaiian Education Act”.

(Pub. L. 89–10, title VI, §6201, formerly title VII, §7201, as added Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1932; renumbered title VI, §6201, Pub. L. 114–95, title VI, §6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

#### PRIOR PROVISIONS

Provisions naming former part B (§7901 et seq.) of subchapter IX of this chapter as the “Native Hawaiian Education Act” were contained in section 7901 of this title, prior to the general amendment of former subchapter IX of this chapter by Pub. L. 107–110.

A prior section 7511, Pub. L. 89–10, title VII, §7201, as added Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3737, set forth short title of the Foreign Language Assistance Act of 1994, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6201 of Pub. L. 89–10 was renumbered section 5201 and is classified to section 7341 of this title.

Another prior section 6201 of Pub. L. 89–10 was classified to section 7331 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

Another prior section 6201 of Pub. L. 89–10 was classified to section 3271 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

### § 7512. Findings

Congress finds the following:

(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

(2) At the time of the arrival of the first non-indigenous people in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

(3) A unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.

(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawaii, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawaii, and entered into treaties and conventions with the Kingdom of Hawaii to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawaii, the Kingdom of Hawaii, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval rep-