

“(iii) counseling and support services for students receiving scholarship assistance;

“(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

“(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;”.

Subsec. (a)(4). Pub. L. 114-95, § 6003(c)(1)(C), struck out par. (4). Text read as follows:

“(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.”

Subsec. (c)(1). Pub. L. 114-95, § 6003(c)(2)(A), substituted “\$32,397,000 for each of fiscal years 2017 through 2020” for “such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years”.

Pub. L. 114-95, § 6001(b)(10)(A), made technical amendment to reference in original act which appears in text as reference to section 7514 of this title.

Subsec. (c)(2). Pub. L. 114-95, § 6003(c)(2)(B), substituted “for each of fiscal years 2017 through 2020” for “for fiscal year 2002 and each of the 5 succeeding fiscal years”.

Pub. L. 114-95, § 6001(b)(10)(B), made technical amendment to reference in original act which appears in text as reference to section 7514 of this title.

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.

§ 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 VI, § 6206, formerly title VII, § 7206, as added Pub. L. 107-110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1941; renumbered title VI, § 6206, Pub. L. 114-95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

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

§ 7517. Definitions

In this part:

(1) Community consultation

The term “community consultation” means a public gathering—

- (A) to discuss Native Hawaiian education concerns; and
- (B) about which the public has been given not less than 30 days notice.

(2) 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.

(3) 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.

(4) 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.

(5) Native Hawaiian language

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

(6) 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.

(7) Office of Hawaiian Affairs

The term “Office of Hawaiian Affairs” means the Office of Hawaiian Affairs estab-

lished by the Constitution of the State of Hawaii.

(Pub. L. 89-10, title VI, § 6207, formerly title VII, § 7207, as added Pub. L. 107-110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1941; renumbered title VI, § 6207, and amended Pub. L. 114-95, title VI, §§ 6001(a), (b)(1), 6003(d), Dec. 10, 2015, 129 Stat. 2046, 2067.)

AMENDMENTS

2015—Pub. L. 114-95, § 6003(d), added par. (1) and redesignated former pars. (1) to (6) as (2) to (7), respectively.

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.

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 VI, § 6301, formerly title VII, § 7301, as added Pub. L. 107-110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1942; renumbered title VI, § 6301, Pub. L. 114-95, title VI, § 6001(a), (b)(1), Dec. 10, 2015, 129 Stat. 2046.)

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

A prior section 6301 of Pub. L. 89-10 was classified to section 7371 of this title prior to the general amendment of part C of subchapter V of this chapter by Pub. L. 114-95.

Another prior section 6301 of Pub. L. 89-10 was classified to section 7351 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

§ 7542. Findings

Congress finds and declares the following:

(1) It is the policy of the Federal Government to maximize the leadership of and participation by Alaska Natives in the planning and the management of Alaska Native education programs and to support efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

(2) Many Alaska Native children enter and exit school with serious educational disadvantages.

(3) Overcoming the magnitude of the geographic challenges, historical inequities, and other barriers to successfully improving educational outcomes for Alaska Native students in rural, village, and urban settings is challenging. Significant disparities between aca-

demical achievement of Alaska Native students and non-Native students continue, including lower graduation rates, increased school dropout rates, and lower achievement scores on standardized tests.

(4) The preservation of Alaska Native cultures and languages and the integration of Alaska Native cultures and languages into education, positive identity development for Alaska Native students, and local, place-based, and culture-based programming are critical to the attainment of educational success and the long-term well-being of Alaska Native students.

(5) Improving educational outcomes for Alaska Native students increases access to employment opportunities.

(6) The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for Alaska Native students. In 1983, pursuant to Public Law 98-63, Alaska ceased to receive educational funding from the Bureau of Indian Affairs. The Bureau of Indian Education does not operate any schools in Alaska, nor operate or fund Alaska Native education programs. The program under this part supports the Federal trust responsibility of the United States to Alaska Natives.

(Pub. L. 89-10, title VI, § 6302, formerly title VII, § 7302, as added Pub. L. 107-110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1942; renumbered title VI, § 6302, and amended Pub. L. 114-95, title VI, §§ 6001(a), (b)(1), 6004(a), Dec. 10, 2015, 129 Stat. 2046, 2067.)

REFERENCES IN TEXT

Public Law 98-63, referred to in par. (6), is Pub. L. 98-63, July 30, 1983, 97 Stat. 301, known as the Supplemental Appropriations Act, 1983. For complete classification of this Act to the Code, see Tables. For provisions related to cessation of funding from the Bureau of Indian Affairs for schools in Alaska, see 97 Stat. 326.

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

A prior section 6302 of Pub. L. 89-10 was classified to section 7372 of this title prior to the general amendment of part C of subchapter V of this chapter by Pub. L. 114-95.

Another prior section 6302 of Pub. L. 89-10 was classified to section 7352 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107-110.

AMENDMENTS

2015—Pub. L. 114-95, § 6004(a), added pars. (1) to (6) and struck out former pars. (1) to (7) which related to findings concerning Alaska Native educational equity, support, and assistance.

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.

§ 7543. Purposes

The purposes of this part are as follows: