

Native Educational Opportunities and Strengthening Tribal Colleges and Universities) [formerly set out above], which is revoked. To the extent that there are other Executive Orders that may conflict with or overlap with the provisions in this order, the provisions in this order shall supersede those other Executive Orders on these subjects.

(c) The heads of agencies shall assist and provide information to the Initiative, consistent with applicable law, as may be necessary to carry out the functions of the Initiative.

(d) Each agency shall bear its own expenses of participating in the Initiative.

SEC. 5. *Definitions.* For the purposes of this order:

(a) “Tribal Nation” means an American Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges as a federally recognized tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130, 5131.

(b) “Alaska Native Entities” includes “Alaska Native Corporations,” which refer to village and regional Alaska Native corporations organized in accordance with the Alaska Native Claims Settlement Act (ANCSA), as amended, 43 U.S.C. 1601, *et seq.*, and the 12 regional nonprofit associations identified under section 7 of ANCSA, 43 U.S.C. 1606, that provide many social services for Alaska Natives, including those related to education.

(c) “Native American” and “Native” mean members of one or more Tribal Nations.

(d) “Public school” means a Head Start center or a prekindergarten, elementary, or secondary school that is predominantly funded through the Federal Government, a State, a local educational agency, a Tribal Nation government, or an Alaska Native Entity, including a school operated directly by, through a contract with, or a grant from the BIE, a Tribal Nation, or a State, county, or local government.

(e) “Tribal Colleges and Universities” means those institutions that are chartered under the sovereign authority of their respective Tribal Nation or by the Federal Government and that: qualify for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978, 25 U.S.C. 1801, *et seq.*, or the Navajo Community College Assistance Act of 1978, 25 U.S.C. 640a note; or are listed in section 532 of the Equity in Educational Land-Grant Status Act of 1994, 7 U.S.C. 301 note.

SEC. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

§ 7402. Purpose

It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

(1) to meet the unique educational and culturally related academic needs of Indian students, so that such students can meet the challenging State academic standards;

(2) to ensure that Indian students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

(3) to ensure that teachers, principals, other school leaders, and other staff who serve Indian students have the ability to provide culturally appropriate and effective instruction and supports to such students.

(Pub. L. 89–10, title VI, § 6102, formerly title VII, § 7102, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1907; renumbered title VI, § 6102, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(b), Dec. 10, 2015, 129 Stat. 2046, 2047.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7402, Pub. L. 89–10, title VII, § 7102, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3716, set forth findings, policy, and purpose of Bilingual Education Act, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6102 of Pub. L. 89–10 was classified to section 7312 of this title, prior to the general amendment of former subchapter VI of this chapter by Pub. L. 107–110.

Another prior section 6102 of Pub. L. 89–10 was classified to section 3262 of this title, prior to the general amendment of Pub. L. 89–10 by Pub. L. 103–382.

Prior sections 7403 to 7405 were omitted in the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

Section 7403, Pub. L. 89–10, title VII, § 7103, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3718, authorized appropriations for bilingual education.

Section 7404, Pub. L. 89–10, title VII, § 7104, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3718, related to Native American and Alaska Native children in school.

Section 7405, Pub. L. 89–10, title VII, § 7105, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3719, related to residents of territories and freely associated nations.

AMENDMENTS

2015—Pub. L. 114–95, § 6002(b), amended section generally. Prior to amendment, text read as follows:

“(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State student academic achievement standards as all other students are expected to meet.

“(b) PROGRAMS.—This part carries out the purpose described in subsection (a) of this section by authorizing programs of direct assistance for—

“(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

“(2) the education of Indian children and adults;

“(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

“(4) research, evaluation, data collection, and technical assistance.”

Statutory Notes and Related Subsidiaries

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.

SUBPART 1—FORMULA GRANTS TO LOCAL
EDUCATIONAL AGENCIES

§ 7421. Purpose

It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, and other entities in developing elementary school and secondary school programs for Indian students that are designed to—

- (1) meet the unique cultural, language, and educational needs of such students; and
- (2) ensure that all students meet the challenging State academic standards.

(Pub. L. 89–10, title VI, § 6111, formerly title VII, § 7111, as added Pub. L. 107–110, title VII, § 701, Jan. 8, 2002, 115 Stat. 1908; renumbered title VI, § 6111, and amended Pub. L. 114–95, title VI, §§ 6001(a), (b)(1), 6002(c), Dec. 10, 2015, 129 Stat. 2046, 2047.)

Editorial Notes

PRIOR PROVISIONS

A prior section 7421, Pub. L. 89–10, title VII, § 7111, as added Pub. L. 103–382, title I, § 101, Oct. 20, 1994, 108 Stat. 3719, related to financial assistance for bilingual education, prior to the general amendment of former subchapter VII of this chapter by Pub. L. 107–110.

A prior section 6111 of Pub. L. 89–10 was classified to section 7301 of this title, prior to repeal by Pub. L. 114–95.

AMENDMENTS

2015—Pub. L. 114–95, § 6002(c), amended section generally. Prior to amendment, text read as follows: “It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

- “(1) are based on challenging State academic content and student academic achievement standards that are used for all students; and
- “(2) are designed to assist Indian students in meeting those standards.”

Statutory Notes and Related Subsidiaries

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.

§ 7422. Grants to local educational agencies and tribes

(a) In general

The Secretary may make grants, from allocations made under section 7423 of this title, and in accordance with this section and section 7423 of this title, to—

- (1) local educational agencies;
- (2) Indian tribes, as provided under subsection (c)(1);
- (3) Indian organizations, as provided under subsection (c)(1);
- (4) consortia of 2 or more local educational agencies, Indian tribes, Indian organizations, or Indian community-based organizations, if each local educational agency participating in such a consortium, if applicable—

(A) provides an assurance that the eligible Indian children served by such local educational agency will receive the services of the programs funded under this subpart; and

(B) is subject to all the requirements, assurances, and obligations applicable to local educational agencies under this subpart; and

(5) Indian community-based organizations, as provided under subsection (d)(1).

(b) Local educational agencies

(1) Enrollment requirements

Subject to paragraph (2), a local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 7427 of this title who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

(A) was at least 10; or

(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

(2) Cooperative agreements

A local educational agency may enter into a cooperative agreement with an Indian tribe under this subpart if such Indian tribe—

(A) represents not less than 25 percent of the eligible Indian children who are served by such local educational agency; and

(B) requests that the local educational agency enter into a cooperative agreement under this subpart.

(3) Exclusion

The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

(c) Indian tribes and Indian organizations

(1) In general

If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7424(c)(4) of this title for such grant, an Indian tribe, an Indian organization, or a consortium of such entities, that represents more than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

(2) Special rule

(A) In general

The Secretary shall treat each Indian tribe, Indian organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such tribe, Indian organization, or consortium were a local educational agency for purposes of this subpart.

(B) Exceptions

Notwithstanding subparagraph (A), such Indian tribe, Indian organization, or consortium shall not be subject to the requirements of subsections (b)(7) or (c)(4) of section 7424 of this title or section 7428(c) or 7429 of this title.

(3) Assurance to serve all Indian children

An Indian tribe, Indian organization, or consortium of such entities that is eligible to