

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.)

Editorial Notes

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.

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.

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.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Pub. L. 118–209, Dec. 23, 2024, 138 Stat. 2705, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘National Advisory Council on Indian Education Improvement Act’ or the ‘NACIE Improvement Act’.

“SEC. 2. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

“By not later than 180 days after the date of enactment of this Act [Dec. 23, 2024] and notwithstanding any other provision of section 6141 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7471), the President shall ensure that the National Advisory Council on Indian Education established under such section includes at least one member who is a president of a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))[]).”

§ 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.)

Editorial Notes

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. 3732, 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.)

Editorial Notes

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. 3733, 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.)

Editorial Notes

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. 3733, 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 preschool 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.)

Editorial Notes

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).

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.

§ 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 appro-