

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

**§ 1804a. Planning grants****(a) Establishment of program**

The Secretary shall establish a program in accordance with this section to make grants to tribes and tribal entities (1) to conduct planning activities for the purpose of developing proposals for the establishment of tribally controlled colleges or universities, or (2) to determine the need and potential for the establishment of such colleges or universities.

**(b) Procedures for submission and review of applications**

The Secretary shall establish, by regulation, procedures for the submission and review of applications for grants under this section.

**(c) Reservation of funds; number of grants**

From the amount appropriated to carry out this subchapter for any fiscal year (exclusive of sums appropriated for section 1805 of this title), the Secretary shall reserve (and expend) an amount necessary to make grants to five applicants under this section of not more than \$15,000 each, or an amount necessary to make grants in that amount to each of the approved applicants, if less than five apply and are approved.

(Pub. L. 95-471, title I, §104, as added Pub. L. 98-192, §4(a)(2), Dec. 1, 1983, 97 Stat. 1336; amended Pub. L. 105-244, title IX, §901(b)(6), (8), Oct. 7, 1998, 112 Stat. 1828.)

## AMENDMENTS

1998—Subsec. (a). Pub. L. 105-244 substituted “controlled colleges or universities” for “controlled community colleges” in cl. (1) and “such colleges or universities” for “such colleges” in cl. (2).

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**§ 1805. Technical assistance contracts****(a) Technical assistance****(1) In general**

The Secretary shall provide, upon request from a tribally controlled college or university which is receiving funds under section 1808 of this title, technical assistance either directly or through contract.

**(2) Designated organization**

The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded to an organization designated by the tribally controlled college or university to be assisted.

**(b) Effect of section**

No authority to enter into contracts provided by this section shall be effective except to the extent authorized in advance by appropriations Acts.

(Pub. L. 95-471, title I, §105, formerly §104, Oct. 17, 1978, 92 Stat. 1326; renumbered §105 and amended Pub. L. 98-192, §§4(a)(1), 5, Dec. 1, 1983, 97 Stat. 1336; Pub. L. 105-244, title IX, §901(b)(5), Oct. 7, 1998, 112 Stat. 1828; Pub. L. 110-315, title IX, §941(e), Aug. 14, 2008, 122 Stat. 3461.)

## AMENDMENTS

2008—Pub. L. 110-315 inserted subsec. and par. designations and headings, designated first sentence as par. (1) of subsec. (a), designated second sentence as par. (2) of subsec. (a) and substituted “The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded” for “In the awarding of contracts for technical assistance, preference shall be given”, and designated third sentence as subsec. (b).

1998—Pub. L. 105-244 substituted “college or university” for “community college” in two places.

1983—Pub. L. 98-192, §5, inserted “from a tribally controlled community college which is receiving funds under section 1808 of this title” and struck out “to tribally controlled community colleges” before “either directly”.

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**§ 1806. Eligibility studies****(a) Development of plans, procedures, and criteria**

The Secretary is authorized to enter into an agreement with the Secretary of Education to assist the Bureau of Indian Affairs in developing plans, procedures, and criteria for conducting the eligibility studies required by this section. Such agreement shall provide for continuing technical assistance in the conduct of such studies.

**(b) Initiation by Secretary; grant applications and budgets**

The Secretary, within thirty days after a request by any Indian tribe, shall initiate a<sup>1</sup> eligibility study to determine whether there is justification to encourage and maintain a tribally controlled college or university, and, upon a positive determination, shall aid in the preparation of grant applications and related budgets which will insure successful operation of such an institution. Such a positive determination shall be effective for the fiscal year succeeding the fiscal year in which such determination is made.

**(c) Source of appropriations**

Funds to carry out the purposes of this section for any fiscal year may be drawn from either—

(1) general administrative appropriations to the Secretary made after October 17, 1978 for such fiscal year; or

(2) not more than 5 per centum of the funds appropriated to carry out section 1807 of this title for such fiscal year.

(Pub. L. 95-471, title I, §106, formerly §105, Oct. 17, 1978, 92 Stat. 1326; renumbered §106 and amended Pub. L. 98-192, §§4(a)(1), (b)(1), 6(a), Dec. 1, 1983, 97 Stat. 1336, 1337; Pub. L. 105-244, title IX, §901(b)(5), Oct. 7, 1998, 112 Stat. 1828.)

<sup>1</sup> So in original. Probably should be “an”.

## AMENDMENTS

1998—Subsec. (b). Pub. L. 105-244 substituted “college or university” for “community college”.

1983—Subsec. (a). Pub. L. 98-192, §6(a)(2), (3), substituted “eligibility” for “feasibility” and “Secretary of Education” for “Assistant Secretary of Education of the Department of Health, Education, and Welfare”.

Subsec. (b). Pub. L. 98-192, §6(a)(2), (4), inserted provision that such positive determination be effective for fiscal year succeeding fiscal year in which such determination is made, and substituted “eligibility” for “feasibility”.

Subsec. (c)(2). Pub. L. 98-192, §§4(b)(1), 6(a)(5), substituted “5 per centum” for “10 per centum” and made a technical amendment to reference to section 1807 of this title to reflect renumbering of that section.

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### § 1807. Grants to tribally controlled colleges or universities

#### (a) Submission of applications; necessity of eligibility study

Grants shall be made under this subchapter only in response to applications by tribally controlled colleges or universities. Such applications shall be submitted at such time, in such manner, and will contain or be accompanied by such information as the Secretary may reasonably require pursuant to regulations. Such application shall include a description of recordkeeping procedures for the expenditure of funds received under this chapter which will allow the Secretary to audit and monitor programs conducted with such funds. The Secretary shall not consider any grant application unless a<sup>1</sup> eligibility study has been conducted under section 1806 of this title and it has been found that the applying college or university will service a reasonable student population.

#### (b) Determination of support; factors considered

The Secretary shall consult with the Secretary of Education to determine the reasonable number of students required to support a tribally controlled college or university. Consideration shall be given to such factors as tribal and cultural differences, isolation, the presence of alternate education sources, and proposed curriculum.

#### (c) Priority and number of grants

Priority in grants shall be given to institutions which are operating on October 17, 1978, and which have a history of service to the Indian people. In the first year for which funds are appropriated to carry out this section, the number of grants shall be limited to not less than eight nor more than fifteen.

#### (d) Consultation with national Indian organizations and tribal governments

In making grants pursuant to this section, the Secretary shall, to the extent practicable, consult with national Indian organizations and with tribal governments chartering the institutions being considered.

<sup>1</sup> So in original. Probably should be “an”.

(Pub. L. 95-471, title I, §107, formerly §106, Oct. 17, 1978, 92 Stat. 1327; Pub. L. 97-375, title I, §108(c), Dec. 21, 1982, 96 Stat. 1820; renumbered §107 and amended Pub. L. 98-192, §§3(b), 4(a)(1), (b)(2), 6(b), Dec. 1, 1983, 97 Stat. 1336, 1337; Pub. L. 105-244, title IX, §901(b)(4)-(6), Oct. 7, 1998, 112 Stat. 1828.)

## AMENDMENTS

1998—Pub. L. 105-244, §901(b)(4), substituted “colleges or universities” for “community colleges” in section catchline.

Subsec. (a). Pub. L. 105-244, §901(b)(5), (6), substituted “colleges or universities” for “community colleges” and “college or university” for “community college”.

Subsec. (b). Pub. L. 105-244, §901(b)(5), substituted “college or university” for “community college”.

1983—Subsec. (a). Pub. L. 98-192, §6(b)(1), substituted “eligibility” for “feasibility”.

Pub. L. 98-192, §4(b)(2), made a technical amendment to reference to section 1806 of this title to reflect renumbering of that section.

Pub. L. 98-192, §3(b), inserted provision that such application include a description of the recordkeeping procedures for expenditure of funds as will allow Secretary to audit and monitor programs conducted with such funds.

Subsec. (b). Pub. L. 98-192, §6(b)(2), substituted “Secretary of Education” for “Assistant Secretary of Education of the Department of Health, Education, and Welfare”.

1982—Subsec. (e). Pub. L. 97-375 struck out subsec. (e) which directed the Secretary to report to Congress on Jan. 15 of each year the current status of tribally controlled community colleges and his recommendations for needed action.

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### § 1808. Amount of grants

#### (a) Requirement

##### (1) In general

Except as provided in paragraph (2) and section 1811 of this title, the Secretary shall, subject to appropriations, grant for each academic year to each tribally controlled college or university having an application approved by the Secretary an amount equal to the product obtained by multiplying—

(A) the Indian student count at such college or university during the academic year preceding the academic year for which such funds are being made available, as determined by the Secretary in accordance with section 1801(a)(8) of this title; and

(B) \$8,000, as adjusted annually for inflation.

##### (2) Exception

The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.

#### (b) Advance installment payments; adjustments; methods of payment; interest or investment income; types of investments

(1) The Secretary shall make payments, pursuant to grants under this chapter, of not less