

Pub. L. 105-244, title IX, §901(b)(6), Oct. 7, 1998, 112 Stat. 1828.)

#### AMENDMENTS

1998—Pub. L. 105-244 substituted “colleges or universities” for “community colleges”.

1983—Pub. L. 98-192 inserted “, and to allow for the improvement and expansion of the physical resources of such institutions”.

#### 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.

### § 1803. Grants authorized

#### (a) Purposes

The Secretary shall, subject to appropriations, make grants pursuant to this subchapter to tribally controlled colleges or universities to aid in the post-secondary education of Indian students.

#### (b) Deposit of funds; limitations on uses

Grants made pursuant to this subchapter shall go into the general operating funds of the institution to defray, at the determination of the tribally controlled college or university, expenditures for academic, educational, and administrative purposes and for the operation and maintenance of the college or university. Funds provided pursuant to this subchapter shall not be used in connection with religious worship or sectarian instruction.

(Pub. L. 95-471, title I, §102, Oct. 17, 1978, 92 Stat. 1326; Pub. L. 98-192, §3(a), Dec. 1, 1983, 97 Stat. 1336; Pub. L. 105-244, title IX, §901(b)(5), (6), (12), Oct. 7, 1998, 112 Stat. 1828.)

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-244, §901(b)(6), substituted “colleges or universities” for “community colleges”.

Subsec. (b). Pub. L. 105-244, §901(b)(5), (12), substituted “controlled college or university” for “controlled community college” and “the college or university” for “the college”.

1983—Subsec. (a). Pub. L. 98-192, §3(a)(1), substituted “shall, subject to appropriations,” for “is authorized to”.

Subsec. (b). Pub. L. 98-192, §3(a)(2), substituted “to defray, at the determination of the tribally controlled community college, expenditures for academic, educational, and administrative purposes and for the operation and maintenance of the college” for “to defray the expense of activities related to education programs for Indian students”.

#### 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.

### § 1804. Eligible grant recipients

To be eligible for assistance under this subchapter, a tribally controlled college or university must be one which—

- (1) is governed by a board of directors or board of trustees a majority of which are Indians;
- (2) demonstrates adherence to stated goals, a philosophy, or a plan of operation which is directed to meet the needs of Indians;

(3) if in operation for more than one year, has students a majority of whom are Indians; and

(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

(B) according to such an agency or association, is making reasonable progress toward accreditation.

(Pub. L. 95-471, title I, §103, Oct. 17, 1978, 92 Stat. 1326; Pub. L. 105-244, title IX, §901(b)(5), Oct. 7, 1998, 112 Stat. 1828; Pub. L. 110-315, title IX, §941(d), Aug. 14, 2008, 122 Stat. 3461.)

#### AMENDMENTS

2008—Par. (4). Pub. L. 110-315 added par. (4).

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

#### 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).

#### 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.

**§ 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”.

## 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.

**§ 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.)

## 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.

## 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.

**§ 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 record-keeping 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

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

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