

Subsec. (b)(1), (2). Pub. L. 111-39, §301(1)(B)(i), (ii), substituted “the Tribally Controlled Colleges and Universities Assistance Act of 1978” for “the Tribally Controlled College or University Assistance Act of 1978”.

Subsec. (b)(3)(A). Pub. L. 111-39, §301(1)(B)(iii), substituted “the Navajo Community College Act” for “the Navajo Community College Assistance Act of 1978”.

2008—Subsec. (b)(3). Pub. L. 110-315, §303(1), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “The term ‘Tribal College or University’ has the meaning give the term ‘tribally controlled college or university’ in section 1801 of title 25, and includes an institution listed in the Equity in Educational Land Grant Status Act of 1994.

Subsec. (c)(2)(B). Pub. L. 110-315, §303(2)(A), added subpar. (B) and struck out former subpar. (B) which read as follows: “construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;”.

Subsec. (c)(2)(C). Pub. L. 110-315, §303(2)(B), inserted “or in tribal governance or tribal public policy” before semicolon at end.

Subsec. (c)(2)(D). Pub. L. 110-315, §303(2)(C), inserted “and instruction in tribal governance or tribal public policy” before semicolon at end.

Subsec. (c)(2)(G) to (N). Pub. L. 110-315, §303(2)(D)–(H), added subpars. (G) and (M), redesignated former subpars. (G), (H), (I), (J), (K), and (L) as subpars. (H), (I), (J), (K), (L), and (N), respectively, and in subpar. (N)(i) substituted “subparagraphs (A) through (M)” for “subparagraphs (A) through (K)”.

Subsec. (d). Pub. L. 110-315, §303(3), added subsec. (d) and struck out former subsec. (d) which related to the application process for assistance under this section.

2000—Subsec. (d)(2). Pub. L. 106-211, §1(a), inserted after first sentence “The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for such applications that takes into account the limited number of institutions that are eligible for assistance under this section.”

Subsec. (d)(3). Pub. L. 106-211, §1(b)(1), added par. (3) and struck out heading and text of former par. (3). Text read as follows: “For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section may concurrently receive other funds under this part or part B of this subchapter.”

1998—Pub. L. 105-244 amended section catchline and text generally. Prior to amendment, text consisted of subsecs. (a) to (e) authorizing grants and related assistance to Hispanic-serving institutions to enable such institutions to improve and expand their capacity to serve Hispanic and other low-income students.

1993—Subsec. (c). Pub. L. 103-208 substituted “(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—” for “Such programs may include—”.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

#### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-211, §1(c), May 26, 2000, 114 Stat. 331, provided that: “The amendments made by this Act [amending this section and section 1059d of this title] shall be effective on the date of the enactment of this Act [May 26, 2000].”

#### 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 this title.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L.

102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

#### EFFECTIVE DATE

Section effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as an Effective Date of 1992 Amendment note under section 1001 of this title.

### § 1059d. Alaska Native and Native Hawaiian-serving institutions

#### (a) Program authorized

The Secretary shall provide grants and related assistance to Alaska Native-serving institutions and Native Hawaiian-serving institutions to enable such institutions to improve and expand their capacity to serve Alaska Natives and Native Hawaiians.

#### (b) Definitions

For the purpose of this section—

(1) the term “Alaska Native” has the meaning given the term in section 7546 of this title;

(2) the term “Alaska Native-serving institution” means an institution of higher education that—

(A) is an eligible institution under section 1058(b) of this title; and

(B) at the time of application, has an enrollment of undergraduate students that is at least 20 percent Alaska Native students;

(3) the term “Native Hawaiian” has the meaning given the term in section 7517 of this title; and

(4) the term “Native Hawaiian-serving institution” means an institution of higher education which—

(A) is an eligible institution under section 1058(b) of this title; and

(B) at the time of application, has an enrollment of undergraduate students that is at least 10 percent Native Hawaiian students.

#### (c) Authorized activities

##### (1) Types of activities authorized

Grants awarded under this section shall be used by Alaska Native-serving institutions and Native Hawaiian-serving institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions’ capacity to serve Alaska Natives or Native Hawaiians.

##### (2) Examples of authorized activities

Such programs may include—

(A) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

(C) support of faculty exchanges, and faculty development and faculty fellowships to assist in attaining advanced degrees in the faculty’s field of instruction;

(D) curriculum development and academic instruction;

(E) purchase of library books, periodicals, microfilm, and other educational materials;

(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

(G) joint use of facilities such as laboratories and libraries;

(H) academic tutoring and counseling programs and student support services; and

(I) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' families.

**(d) Application process**

**(1) Institutional eligibility**

Each Alaska Native-serving institution and Native Hawaiian-serving institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is an Alaska Native-serving institution or a Native Hawaiian-serving institution as defined in subsection (b) of this section, along with such other information and data as the Secretary may by regulation require.

**(2) Applications**

Any institution which is determined by the Secretary to be an Alaska Native-serving institution or a Native Hawaiian-serving institution may submit an application for assistance under this section to the Secretary. The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for such applications that takes into account the limited number of institutions that are eligible for assistance under this section. Such application shall include—

(A) a 5-year plan for improving the assistance provided by the Alaska Native-serving institution or the Native Hawaiian-serving institution to Alaska Native or Native Hawaiian students; and

(B) such other information and assurance as the Secretary may require.

**(3) Special rules**

**(A) Eligibility**

No Alaskan Native-serving institution or Native Hawaiian-serving institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B of this subchapter.

**(B) Exemption**

Section 1059(d) of this title shall not apply to institutions that are eligible to receive funds under this section.

**(C) Distribution**

In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.

(Pub. L. 89-329, title III, §317, as added Pub. L. 105-244, title III, §303(f), Oct. 7, 1998, 112 Stat. 1641; amended Pub. L. 106-211, §1(a), (b)(2), May 26, 2000, 114 Stat. 330; Pub. L. 107-110, title VII, §702(a), Jan. 8, 2002, 115 Stat. 1946; Pub. L. 110-315, title III, §304, Aug. 14, 2008, 122 Stat. 3169.)

AMENDMENTS

2008—Subsec. (c)(2)(I). Pub. L. 110-315 added subpar. (I).

2002—Subsec. (b)(1). Pub. L. 107-110, §702(a)(1), substituted “section 7546” for “section 7938”.

Subsec. (b)(3). Pub. L. 107-110, §702(a)(2), substituted “section 7517” for “section 7912”.

2000—Subsec. (d)(2). Pub. L. 106-211, §1(a), inserted after first sentence “The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for such applications that takes into account the limited number of institutions that are eligible for assistance under this section.”

Subsec. (d)(3). Pub. L. 106-211, §1(b)(2), added par. (3).

Subsec. (e). Pub. L. 106-211, §1(b)(2), struck out heading and text of subsec. (e). Text read as follows: “For the purposes of this section, no Alaska Native-serving institution or Native Hawaiian-serving institution which is eligible for and receives funds under this section may concurrently receive other funds under this part or part B of this subchapter.”

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as an Effective Date of 1998 Amendment note under section 1001 of this title.

**§ 1059e. Predominantly Black Institutions**

**(a) Purpose**

It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

**(b) Definitions**

In this section:

**(1) Eligible institution**

The term “eligible institution” means an institution of higher education that—

(A) has an enrollment of needy undergraduate students;

(B) has an average educational and general expenditure that is low, per full-time equivalent undergraduate student, in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction, except that the Secretary may apply the waiver requirements described in section 1068a(b) of this title to this subparagraph in the same manner as the Secretary applies the waiver requirements to section 1058(b)(1)(B) of this title;

(C) has an enrollment of undergraduate students that is not less than 40 percent Black American students;

(D) is legally authorized to provide, and provides, within the State an educational program for which the institution of higher education awards a baccalaureate degree or, in the case of a junior or community college, an associate's degree;

(E) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable