

(Pub. L. 95-471, title III, §306, as added Pub. L. 98-192, §13, Dec. 1, 1983, 97 Stat. 1343; amended Pub. L. 99-428, §2(b), Sept. 30, 1986, 100 Stat. 982; Pub. L. 101-477, §1(d)(1)(F), Oct. 30, 1990, 104 Stat. 1153; Pub. L. 102-325, title XIII, §1301(b), July 23, 1992, 106 Stat. 797; Pub. L. 105-244, title IX, §901(a)(2)(B), Oct. 7, 1998, 112 Stat. 1827; Pub. L. 110-315, title IX, §941(h), Aug. 14, 2008, 122 Stat. 3462.)

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315 substituted “2009” for “1999” and “five succeeding” for “4 succeeding”.

1998—Subsec. (a). Pub. L. 105-244 substituted “1999” for “1993”.

1992—Subsec. (a). Pub. L. 102-325 amended subsec. (a) generally, substituting provisions authorizing appropriations for fiscal years 1993 to 1997 for provisions authorizing appropriations for fiscal years 1987 to 1992.

1990—Subsec. (a). Pub. L. 101-477 substituted “1990 and 1991, and for fiscal year 1992, \$10,000,000” for “and 1990”.

1986—Subsec. (a). Pub. L. 99-428 substituted “1987, 1988, 1989, and 1990” for “1985, 1986, and 1987”.

#### 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.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of Title 20, Education.

### SUBCHAPTER III—TRIBAL ECONOMIC DEVELOPMENT

#### § 1851. Grants authorized

##### (a) General authority

The Secretary is authorized, subject to the availability of appropriations, to make grants to tribally controlled colleges or universities which receive grants under either this chapter or the Navajo Community College Act [25 U.S.C. 640a et seq.] for the establishment and support of tribal economic development and education institutes. Each program conducted with assistance under a grant under this subsection shall include at least the following activities:

(1) Determination of the economic development needs and potential of the Indian tribes involved in the program, including agriculture and natural resources needs.

(2) Development of consistent courses of instruction to prepare postsecondary students, tribal officials and others to meet the needs defined under paragraph (1). The development of such courses may be coordinated with secondary institutions to the extent practicable.

(3) The conduct of vocational courses, including administrative expenses and student support services.

(4) Technical assistance and training to Federal, tribal and community officials and business managers and planners deemed necessary by the institution to enable full implementation of, and benefits to be derived from, the program developed under paragraph (1).

(5) Clearinghouse activities encouraging the coordination of, and providing a point for the coordination of, all vocational activities (and

academically related training) serving all students of the Indian tribe involved in the grant.

(6) The evaluation of such grants and their effect on the needs developed under paragraph (1) and tribal economic self-sufficiency.

##### (b) Amount and duration

The grants shall be of such amount and duration as to afford the greatest opportunity for success and the generation of relevant data.

##### (c) Applications

Institutions which receive funds under other subchapters of this chapter or the Navajo Community College Act [25 U.S.C. 640a et seq.] may apply for grants under this subchapter either individually or as consortia. Each applicant shall act in cooperation with an Indian tribe or tribes in developing and implementing a grant under this subchapter.<sup>1</sup>

(Pub. L. 95-471, title IV, §402, as added Pub. L. 101-392, title III, §312, Sept. 25, 1990, 104 Stat. 804; amended Pub. L. 105-244, title IX, §901(b)(6), Oct. 7, 1998, 112 Stat. 1828.)

#### REFERENCES IN TEXT

The Navajo Community College Act, referred to in subsecs. (a) and (c), is Pub. L. 92-189, Dec. 15, 1971, 85 Stat. 646, as amended, which is classified to section 640a et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 640a of this title and Tables.

This subchapter, referred to at the end of subsec. (c), was in the original “this part” and was translated as reading “this title” to reflect the probable intent of Congress because title IV of Pub. L. 95-471, which comprises this subchapter, does not contain parts.

#### AMENDMENTS

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

#### EFFECTIVE DATE

Subchapter effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as a note under section 3423a of Title 20, Education.

#### SHORT TITLE

For short title of title IV of Pub. L. 95-471, which enacted this subchapter, as the “Tribal Economic Development and Technology Related Education Assistance Act of 1990”, see section 401 of Pub. L. 95-471, set out as a Short Title note under section 1801 of this title.

#### § 1852. Authorization of appropriations

There are authorized to be appropriated for grants under this subchapter, such sums as may be necessary for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.

(Pub. L. 95-471, title IV, §403, as added Pub. L. 101-392, title III, §312, Sept. 25, 1990, 104 Stat. 805; amended Pub. L. 102-325, title XIII, §1301(c), July 23, 1992, 106 Stat. 797; Pub. L. 105-244, title IX,

<sup>1</sup> See References in Text note below.

§ 901(a)(2)(C), Oct. 7, 1998, 112 Stat. 1827; Pub. L. 110-315, title IX, § 941(i), Aug. 14, 2008, 122 Stat. 3463.)

#### AMENDMENTS

2008—Pub. L. 110-315 substituted “such sums as may be necessary for fiscal year 2009” for “\$2,000,000 for fiscal year 1999” and “five succeeding” for “4 succeeding”.

1998—Pub. L. 105-244 substituted “1999” for “1993”.

1992—Pub. L. 102-325 amended section generally, substituting provisions authorizing appropriations for fiscal years 1993 to 1997 for provisions authorizing appropriations for fiscal years 1991 to 1996.

#### 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.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of Title 20, Education.

### SUBCHAPTER IV—TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS

#### § 1861. Definition of tribally controlled postsecondary career and technical institution

In this subchapter, the term “tribally controlled postsecondary career and technical institution” has the meaning given the term in section 2302 of title 20.

(Pub. L. 95-471, title V, § 501, as added Pub. L. 110-315, title IX, § 941(j)(1), Aug. 14, 2008, 122 Stat. 3463.)

#### § 1862. Tribally controlled postsecondary career and technical institutions program

##### (a) In general

Subject to the availability of appropriations, for fiscal year 2009 and each fiscal year thereafter, the Secretary shall—

(1) subject to subsection (b), select two tribally controlled postsecondary career and technical institutions to receive assistance under this subchapter; and

(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

##### (b) Selection of certain institutions

###### (1) Requirement

For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 1861 of this title, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

###### (2) Institutions

The two tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

(A) the United Tribes Technical College; and

(B) the Navajo Technical College.

##### (c) Method of payment

For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

##### (d) Distribution

###### (1) In general

For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 1864 of this title, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

###### (2) Excess amounts

If, for any fiscal year, the amount made available pursuant to section 1864 of this title exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

(A) dividing the excess amount by the aggregate Indian student count (as defined in section 2327(h) of title 20) of such institutions for the prior academic year; and

(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

(Pub. L. 95-471, title V, § 502, as added Pub. L. 110-315, title IX, § 941(j)(1), Aug. 14, 2008, 122 Stat. 3463.)

#### § 1863. Applicability of other laws

##### (a) In general

Paragraphs (4) and (8) of subsection (a), and subsection (b), of section 1801 of this title, sections 1805, 1808, 1811, 1812 and 1813 of this title, subchapters II and III of this chapter, and title II<sup>1</sup> shall not apply to this subchapter.

##### (b) Indian self-determination and education assistance

Funds made available pursuant to this subchapter shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

##### (c) Election to receive

A tribally controlled postsecondary career and technical institution selected for a fiscal year

<sup>1</sup> See References in Text note below.