

## EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.

## 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.

**§ 2325. Assistance for the outlying areas****(a) Outlying areas**

From funds reserved pursuant to section 2321(a)(1)(A) of this title, the Secretary shall—

- (1) make a grant in the amount of \$660,000 to Guam;
- (2) make a grant in the amount of \$350,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands; and
- (3) make a grant of \$160,000 to the Republic of Palau, subject to subsection (d).

**(b) Remainder****(1) First year**

Subject to subsection (a), for the first fiscal year following August 12, 2006, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 2321(a)(1)(A) of this title to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for career and technical education and training in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of providing direct career and technical educational services, including—

- (A) teacher and counselor training and re-training;
- (B) curriculum development; and
- (C) the improvement of career and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving secondary schools and institutions of higher education.

**(2) Subsequent years**

Subject to subsection (a), for the second fiscal year following August 12, 2006, and each subsequent year, the Secretary shall make a grant of the remainder of funds reserved pursuant to section 2321(a)(1)(A) of this title and subject to subsection (a), in equal proportion, to each of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be used to provide direct career and technical educational services as described in subparagraphs (A) through (C) of paragraph (1).

**(c) Limitation**

The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received under subsection (b)(1) for administrative costs.

**(d) Restriction**

The Republic of Palau shall cease to be eligible to receive funding under this section upon entering into an agreement for an extension of

United States educational assistance under the Compact of Free Association, unless otherwise provided in such agreement.

(Pub. L. 88-210, title I, §115, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 706; amended Pub. L. 115-224, title I, §114, July 31, 2018, 132 Stat. 1597.)

## AMENDMENT OF SECTION

*Pub. L. 115-224, §4, title I, §114, July 31, 2018, 132 Stat. 1564, 1597, made amendments to this section, effective July 1, 2019. After July 1, 2019, this section will read as follows:*

**§ 2325. Assistance for the outlying areas****(a) Outlying areas**

*From funds reserved pursuant to section 2321(a)(1)(A) of this title, the Secretary shall—*

- (1) make a grant in the amount of \$660,000 to Guam;*
- (2) make a grant in the amount of \$350,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands; and*
- (3) make a grant of \$160,000 to the Republic of Palau, subject to subsection (b).*

**(b) Restriction**

*The Republic of Palau shall cease to be eligible to receive funding under this section upon entering into an agreement for an extension of United States educational assistance under the Compact of Free Association, unless otherwise provided in such agreement.*

*See 2018 Amendment notes below.*

## PRIOR PROVISIONS

A prior section 2325, Pub. L. 88-210, title I, §115, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3094, related to assistance for outlying areas, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2325, Pub. L. 88-210, title I, §115, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2449; amended Pub. L. 101-392, title I, §115, Sept. 25, 1990, 104 Stat. 770; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142; Pub. L. 103-382, title III, §391(s)(3), Oct. 20, 1994, 108 Stat. 4024, related to State and local standards and measures, prior to the general amendment of this chapter by Pub. L. 105-332.

## AMENDMENTS

2018—Subsec. (a)(3). Pub. L. 115-224, §114(1), substituted “subject to subsection (b)” for “subject to subsection (d)”.

Subsecs. (b) to (d). Pub. L. 115-224, §114(2), (3), redesignated subsec. (d) as (b) and struck out former subsecs. (b) and (c) which provided for grants of the remainder of funds reserved pursuant to section 2321(a)(1)(A) of this title and established a limitation on use.

## EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.

**§ 2326. Native American programs****(a) Definitions**

In this section:

**(1) Alaska Native**

The term “Alaska Native” means a Native as such term is defined in section 1602 of title 43.

**(2) Bureau-funded school**

The term “Bureau-funded school” has the meaning given the term in section 2021 of title 25.

**(3) Indian, Indian tribe, and tribal organization**

The terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings given the terms in section 5304 of title 25.

**(4) Native Hawaiian**

The term “Native Hawaiian” means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

**(5) Native Hawaiian organization**

The term “Native Hawaiian organization” has the meaning given the term in section 7517 of this title.

**(b) Program authorized**

**(1) Authority**

From funds reserved under section 2321(a)(1)(B)(i) of this title, the Secretary shall make grants to or enter into contracts with Indian tribes, tribal organizations, and Alaska Native entities to carry out the authorized programs described in subsection (c), except that such grants or contracts shall not be awarded to secondary school programs in Bureau-funded schools.

**(2) Indian tribes and tribal organizations**

The grants or contracts described in this section that are awarded to any Indian tribe or tribal organization shall be subject to the terms and conditions of section 5321 of title 25 and shall be conducted in accordance with the provisions of sections 5345, 5346, and 5347 of title 25, which are relevant to the programs administered under this subsection.

**(3) Special authority relating to secondary schools operated or supported by the Bureau of Indian Affairs**

An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out career and technical education programs.

**(4) Matching**

If sufficient funding is available, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend not less than the amount expended during the prior fiscal year on career and technical education programs, services, and technical activities administered directly by, or under contract with, the Bureau of Indian Affairs, except that in no year shall funding for such programs, services, and activities be provided from accounts and programs that support other Indian education programs. The Secretary and the Assistant Secretary of the Interior for Indian Affairs shall prepare jointly a plan for the expenditure of funds made available and for the evaluation of programs as-

sisted under this subsection. Upon the completion of a joint plan for the expenditure of the funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

**(5) Regulations**

If the Secretary promulgates any regulations applicable to paragraph (2), the Secretary shall—

(A) confer with, and allow for active participation by, representatives of Indian tribes, tribal organizations, and individual tribal members; and

(B) promulgate the regulations under subchapter III of chapter 5 of title 5, commonly known as the “Negotiated Rulemaking Act of 1990”.

**(6) Application**

Any Indian tribe, tribal organization, or Bureau-funded school eligible to receive assistance under this subsection may apply individually or as part of a consortium with another such Indian tribe, tribal organization, or Bureau-funded school.

**(c) Authorized activities**

**(1) Authorized programs**

Funds made available under this section shall be used to carry out career and technical education programs consistent with the purpose of this chapter.

**(2) Stipends**

**(A) In general**

Funds received pursuant to grants or contracts awarded under subsection (b) may be used to provide stipends to students who are enrolled in career and technical education programs and who have acute economic needs which cannot be met through work-study programs.

**(B) Amount**

Stipends described in subparagraph (A) shall not exceed reasonable amounts as prescribed by the Secretary.

**(d) Grant or contract application**

In order to receive a grant or contract under this section, an organization, tribe, or entity described in subsection (b) shall submit an application to the Secretary that shall include an assurance that such organization, tribe, or entity shall comply with the requirements of this section.

**(e) Restrictions and special considerations**

The Secretary may not place upon grants awarded or contracts entered into under subsection (b) any restrictions relating to programs other than restrictions that apply to grants made to or contracts entered into with States pursuant to allotments under section 2321(a) of this title. The Secretary, in awarding grants and entering into contracts under this section, shall ensure that the grants and contracts will improve career and technical education programs, and shall give special consideration to—

(1) programs that involve, coordinate with, or encourage tribal economic development plans; and

(2) applications from tribally controlled colleges or universities that—

(A) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary career and technical education; or

(B) operate career and technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization, and issue certificates for completion of career and technical education programs.

**(f) Consolidation of funds**

Each organization, tribe, or entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).<sup>1</sup>

**(g) Nonduplicative and nonexclusive services**

Nothing in this section shall be construed—

(1) to limit the eligibility of any organization, tribe, or entity described in subsection (b) to participate in any activity offered by an eligible agency or eligible recipient under this subchapter; or

(2) to preclude or discourage any agreement, between any organization, tribe, or entity described in subsection (b) and any eligible agency or eligible recipient, to facilitate the provision of services by such eligible agency or eligible recipient to the population served by such eligible agency or eligible recipient.

**(h) Native Hawaiian programs**

From the funds reserved pursuant to section 2321(a)(1)(B)(ii) of this title, the Secretary shall award grants to or enter into contracts with community-based organizations primarily serving and representing Native Hawaiians to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Native Hawaiians.

(Pub. L. 88-210, title I, §116, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 707; amended Pub. L. 114-95, title IX, §9215(n)(5), Dec. 10, 2015, 129 Stat. 2169; Pub. L. 115-224, title I, §115, July 31, 2018, 132 Stat. 1598.)

AMENDMENT OF SECTION

*Pub. L. 115-224, §4, title I, §115, July 31, 2018, 132 Stat. 1564, 1598, made amendments to this section, effective July 1, 2019. After July 1, 2019, this section will read as follows:*

§ 2326. *Native American programs*

*(a) Definitions*

*In this section:*

*(1) Alaska Native*

*The term “Alaska Native” means a Native as such term is defined in section 1602 of title 43.*

*(2) Bureau-funded school*

*The term “Bureau-funded school” has the meaning given the term in section 2021 of title 25.*

*(3) Native Hawaiian*

*The term “Native Hawaiian” means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.*

*(4) Native Hawaiian organization*

*The term “Native Hawaiian organization” has the meaning given the term in section 7517 of this title.*

*(b) Program authorized*

*(1) Authority*

*From funds reserved under section 2321(a)(1)(B)(i) of this title, the Secretary shall make grants to or enter into contracts with Indian Tribes, Tribal organizations, and Alaska Native entities to carry out the authorized programs described in subsection (c), except that such grants or contracts shall not be awarded to secondary school programs in Bureau-funded schools.*

*(2) Indian Tribes and Tribal organizations*

*The grants or contracts described in this section that are awarded to any Indian Tribe or Tribal organization shall be subject to the terms and conditions of section 5321 of title 25 and shall be conducted in accordance with the provisions of sections 5345, 5346, and 5347 of title 25, which are relevant to the programs administered under this subsection.*

*(3) Special authority relating to secondary schools operated or supported by the Bureau of Indian Education*

*An Indian Tribe, a Tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Education to enable such school to carry out career and technical education programs.*

*(4) Matching*

*If sufficient funding is available, the Bureau of Indian Education shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Education shall expend not less than the amount expended during the prior fiscal year on career and technical education programs, services, and technical activities administered directly by, or under contract with, the Bureau of Indian Education, except that in no year shall funding for such programs, services, and activities be provided from accounts and programs that support other Indian education programs. The Secretary and the Director of the Bureau of Indian Education shall prepare jointly a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of the funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Education.*

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

*(5) Regulations*

If the Secretary promulgates any regulations applicable to paragraph (2), the Secretary shall—

(A) confer with, and allow for active participation by, representatives of Indian Tribes, Tribal organizations, and individual Tribal members; and

(B) promulgate the regulations under subchapter III of chapter 5 of title 5, commonly known as the “Negotiated Rulemaking Act of 1990”.

*(6) Application*

Any Indian Tribe, Tribal organization, or Bureau-funded school eligible to receive assistance under this subsection may apply individually or as part of a consortium with another such Indian Tribe, Tribal organization, or Bureau-funded school.

*(c) Authorized activities**(1) Authorized programs*

Funds made available under this section shall be used to carry out career and technical education programs consistent with the purpose of this chapter.

*(2) Special rule*

Notwithstanding section 2302(5)(A)(iii) of this title, funds made available under this section may be used to provide preparatory, refresher, and remedial education services that are designed to enable students to achieve success in career and technical education programs or programs of study.

*(3) Stipends**(A) In general*

Funds received pursuant to grants or contracts awarded under subsection (b) may be used to provide stipends to students who are enrolled in career and technical education programs and who have acute economic needs which cannot be met through work-study programs.

*(B) Amount*

Stipends described in subparagraph (A) shall not exceed reasonable amounts as prescribed by the Secretary.

*(d) Grant or contract application*

In order to receive a grant or contract under this section, an organization, Tribe, or entity described in subsection (b) shall submit an application to the Secretary that shall include an assurance that such organization, Tribe, or entity shall comply with the requirements of this section.

*(e) Restrictions and special considerations*

The Secretary may not place upon grants awarded or contracts entered into under subsection (b) any restrictions relating to programs other than restrictions that apply to grants made to or contracts entered into with States pursuant to allotments under section 2321(a) of this title. The Secretary, in awarding grants and entering into contracts under this section, shall ensure that the grants and contracts will improve career and technical education programs, and shall give special consideration to—

(1) programs that involve, coordinate with, or encourage Tribal economic development plans; and

(2) applications from tribally controlled colleges or universities that—

(A) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary career and technical education; or

(B) operate career and technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization, and issue certificates for completion of career and technical education programs.

*(f) Consolidation of funds*

Each organization, Tribe, or entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

*(g) Nonduplicative and nonexclusive services*

Nothing in this section shall be construed—

(1) to limit the eligibility of any organization, Tribe, or entity described in subsection (b) to participate in any activity offered by an eligible agency or eligible recipient under this subchapter; or

(2) to preclude or discourage any agreement, between any organization, Tribe, or entity described in subsection (b) and any eligible agency or eligible recipient, to facilitate the provision of services by such eligible agency or eligible recipient to the population served by such eligible agency or eligible recipient.

*(h) Native Hawaiian programs*

From the funds reserved pursuant to section 2321(a)(1)(B)(ii) of this title, the Secretary shall award grants to or enter into contracts with community-based organizations primarily serving and representing Native Hawaiians to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Native Hawaiians.

See 2018 Amendment notes below.

## REFERENCES IN TEXT

The Indian Employment, Training and Related Services Demonstration Act of 1992, referred to in subsec. (f), is Pub. L. 102-477, Oct. 23, 1992, 106 Stat. 2302, which is classified generally to chapter 36 (§3401 et seq.) of Title 25, Indians. The Act was renamed the Indian Employment, Training and Related Services Act of 1992 by Pub. L. 115-93, §2, Dec. 18, 2017, 131 Stat. 2026. For complete classification of this Act to the Code, see Short Title note set out under section 3401 of Title 25 and Tables.

## PRIOR PROVISIONS

A prior section 2326, Pub. L. 88-210, title I, §116, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3094; amended Pub. L. 107-110, title VII, §702(b), (c), Jan. 8, 2002, 115 Stat. 1946, 1947, related to Native American program, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2326, Pub. L. 88-210, title I, §116, as added Pub. L. 101-392, title I, §116, Sept. 25, 1990, 104 Stat. 772, related to State assessments of program quality, prior to the general amendment of this chapter by Pub. L. 105-332.

## AMENDMENTS

2018—Subsec. (a). Pub. L. 115-224, §115(1), redesignated pars. (4) and (5) as (3) and (4), respectively, made tech-

nical amendments to capitalization of “Native” and “Hawaiian” in headings of pars. (1), (3), and (4) of original Act requiring no change in text and to reference in par. (4) of original Act which appears in text as reference to section 7517 of this title, and struck out former par. (3) which defined “Indian”, “Indian tribe”, and “tribal organization” as having the meanings given those terms in section 5304 of title 25.

Subsec. (b)(1). Pub. L. 115-224, §115(2)(A), substituted “Indian Tribes, Tribal organizations,” for “Indian tribes, tribal organizations,”.

Subsec. (b)(2). Pub. L. 115-224, §115(2)(B)(iii), (iv), made technical amendment to references in original Act which appear in text as references to section 5321 of title 25 and sections 5345, 5346, and 5347 of title 25.

Pub. L. 115-224, §115(2)(B)(i), (ii), substituted “INDIAN TRIBES AND TRIBAL ORGANIZATIONS” for “INDIAN TRIBES AND TRIBAL ORGANIZATIONS” in heading of original Act which appears in heading as “Indian Tribes and Tribal organizations” and substituted “Indian Tribe or Tribal organization” for “Indian tribe or tribal organization” in text.

Subsec. (b)(3). Pub. L. 115-224, §115(2)(C), substituted “Bureau of Indian Education” for “Bureau of Indian Affairs” in heading and text and substituted “An Indian Tribe, a Tribal organization,” for “An Indian tribe, a tribal organization,”.

Subsec. (b)(4). Pub. L. 115-224, §115(2)(D), substituted “Bureau of Indian Education” for “Bureau of Indian Affairs” wherever appearing and “Director of the Bureau of Indian Education” for “Assistant Secretary of the Interior for Indian Affairs”.

Subsec. (b)(5)(A). Pub. L. 115-224, §115(2)(E), substituted “Indian Tribes, Tribal organizations, and individual Tribal members” for “Indian tribes, tribal organizations, and individual tribal members”.

Subsec. (b)(6). Pub. L. 115-224, §115(2)(F), substituted “Indian Tribe, Tribal organization,” for “Indian tribe, tribal organization,” in two places.

Subsec. (c)(2), (3). Pub. L. 115-224, §115(3), added par. (2) and redesignated former par. (2) as (3).

Subsecs. (d) to (g). Pub. L. 115-224, §115(4)–(7), substituted “Tribe” for “tribe” and “Tribal” for “tribal” wherever appearing.

2015—Subsec. (a)(5). Pub. L. 114-95 made technical amendment to reference in original act which appears in text as reference to section 7517 of this title.

#### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.

#### 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.

### § 2327. Tribally controlled postsecondary career and technical institutions

#### (a) Grant program

Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

(1) title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

(2) the Navajo Community College Act (25 U.S.C. 640a et seq.).<sup>1</sup>

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

#### (b) Uses of grants

Amounts made available under this section shall be used for career and technical education programs for Indian students and for the institutional support costs of the grant, including the expenses described in subsection (e).

#### (c) Amount of grants

##### (1) In general

If the sums appropriated for any fiscal year for grants under this section are not sufficient to pay in full the total amount which approved applicants are eligible to receive under this section for such fiscal year, the Secretary shall first allocate to each such applicant who received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control.

##### (2) Per capita determination

For the purposes of paragraph (1), the per capita payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary career and technical institutions under this section for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this section.

##### (3) Indirect costs

Notwithstanding any other provision of law or regulation, the Secretary shall not require the use of a restricted indirect cost rate for grants issued under this section.

#### (d) Applications

To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)<sup>1</sup> shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

#### (e) Expenses

##### (1) In general

The Secretary shall, subject to the availability of appropriations, provide for each program year to each tribally controlled postsecondary career and technical institution having an application approved by the Secretary, an amount necessary to pay expenses associated with—

(A) the maintenance and operation of the program, including development costs, costs of basic and special instruction (including special programs for individuals with dis-