

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-

abilities and academic instruction), materials, student costs, administrative expenses, boarding costs, transportation, student services, daycare and family support programs for students and their families (including contributions to the costs of education for dependents), and student stipends;

(B) capital expenditures, including operations and maintenance, and minor improvements and repair, and physical plant maintenance costs, for the conduct of programs funded under this section;

(C) costs associated with repair, upkeep, replacement, and upgrading of the instructional equipment; and

(D) institutional support of career and technical education.

**(2) Accounting**

Each institution receiving a grant under this section shall provide annually to the Secretary an accurate and detailed accounting of the institution's operating and maintenance expenses and such other information concerning costs as the Secretary may reasonably require.

**(f) Other programs**

**(1) In general**

Except as specifically provided in this chapter, eligibility for assistance under this section shall not preclude any tribally controlled postsecondary career and technical institution from receiving Federal financial assistance under any program authorized under the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.], or under any other applicable program for the benefit of institutions of higher education or career and technical education.

**(2) Prohibition on alteration of grant amount**

The amount of any grant for which tribally controlled postsecondary career and technical institutions are eligible under this section shall not be altered because of funds allocated to any such institution from funds appropriated under section 13 of title 25.

**(3) Prohibition on contract denial**

No tribally controlled postsecondary career and technical institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under section 13 of title 25, may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.] (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

**(g) Complaint resolution procedure**

The Secretary shall establish (after consultation with tribally controlled postsecondary career and technical institutions) a complaint resolution procedure for grant determinations and calculations under this section for tribally controlled postsecondary career and technical institutions.

**(h) Definitions**

In this section:

**(1) Indian; Indian tribe**

The terms "Indian" and "Indian tribe" have the meanings given the terms in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801).

**(2) Indian student count**

**(A) In general**

The term "Indian student count" means a number equal to the total number of Indian students enrolled in each tribally controlled postsecondary career and technical institution, as determined in accordance with subparagraph (B).

**(B) Determination**

**(i) Enrollment**

For each academic year, the Indian student count shall be determined on the basis of the enrollments of Indian students as in effect at the conclusion of—

(I) in the case of the fall term, the third week of the fall term; and

(II) in the case of the spring term, the third week of the spring term.

**(ii) Calculation**

For each academic year, the Indian student count for a tribally controlled postsecondary career and technical institution shall be the quotient obtained by dividing—

(I) the sum of the credit hours of all Indian students enrolled in the tribally controlled postsecondary career and technical institution (as determined under clause (i)); by

(II) 12.

**(iii) Summer term**

Any credit earned in a class offered during a summer term shall be counted in the determination of the Indian student count for the succeeding fall term.

**(iv) Students without secondary school degrees**

**(I) In general**

A credit earned at a tribally controlled postsecondary career and technical institution by any Indian student that has not obtained a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count if the institution at which the student is enrolled has established criteria for the admission of the student on the basis of the ability of the student to benefit from the education or training of the institution.

**(II) Presumption**

The institution shall be presumed to have established the criteria described in subclause (I) if the admission procedures for the institution include counseling or testing that measures the aptitude of a student to successfully complete a course in which the student is enrolled.

**(III) Credits toward secondary school degree**

No credit earned by an Indian student for the purpose of obtaining a secondary

school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count under this clause.

**(v) Continuing education programs**

Any credit earned by an Indian student in a continuing education program of a tribally controlled postsecondary career and technical institution shall be included in the determination of the sum of all credit hours of the student if the credit is converted to a credit hour basis in accordance with the system of the institution for providing credit for participation in the program.

**(i) Authorization of appropriations**

There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2007 through 2012.

(Pub. L. 88-210, title I, §117, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 710; amended Pub. L. 110-315, title IX, §941(j)(2), (k)(2)(D)(ii), Aug. 14, 2008, 122 Stat. 3465, 3466; Pub. L. 115-224, title I, §116, July 31, 2018, 132 Stat. 1599.)

AMENDMENT OF SECTION

*Pub. L. 115-224, §4, title I, §116, July 31, 2018, 132 Stat. 1564, 1599, provided that, effective July 1, 2019, this section is amended as follows:*

*(1) in subsections (a)(2) and (d), by striking “(25 U.S.C. 640a et seq.)” and inserting “(Public Law 92-189; 85 Stat. 646)”;*

*(2) in subsection (f)(3), by striking “tribe” each place the term appears and inserting “Tribe”;*

*(3) in subsection (h), by striking “INDIAN TRIBE” and inserting “INDIAN TRIBE” in the heading of the original Act and by striking “terms ‘Indian’ and ‘Indian tribe’ have the meanings given the terms in” and inserting “terms ‘Indian’ and ‘Indian Tribe’ have the meanings given the terms ‘Indian’ and ‘Indian tribe’, respectively, in”;* and

*(4) by striking subsection (i) and inserting the following:*

*(i) Authorization of appropriations*

*There are authorized to be appropriated to carry out this section—*

- (1) \$9,762,539 for fiscal year 2019;*
- (2) \$9,899,215 for fiscal year 2020;*
- (3) \$10,037,804 for fiscal year 2021;*
- (4) \$10,178,333 for fiscal year 2022;*
- (5) \$10,320,829 for fiscal year 2023; and*
- (6) \$10,465,321 for fiscal year 2024.*

*See 2018 Amendment notes below.*

REFERENCES IN TEXT

The Tribally Controlled Colleges and Universities Assistance Act of 1978, referred to in subsections (a)(1) and (d), is Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1325. Title I of the Act is classified generally to subchapter I (§1802 et seq.) of chapter 20 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 25 and Tables.

The Navajo Community College Act, referred to in subsections (a)(2) and (d), is Pub. L. 92-189, Dec. 15, 1971, 85 Stat. 646, which was classified to section 640a et seq. of Title 25, Indians, and was omitted from the Code as being of special and not general application.

The Higher Education Act of 1965, referred to in subsection (f)(1), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

The Indian Self-Determination and Education Assistance Act, referred to in subsection (f)(3), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to chapter 46 (§5301 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 25 and Tables.

PRIOR PROVISIONS

A prior section 2327, Pub. L. 88-210, title I, §117, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3097; amended Pub. L. 106-554, §1(a)(1) [title III, §310], Dec. 21, 2000, 114 Stat. 2763, 2763A-46; Pub. L. 107-20, title II, §2701(a), July 24, 2001, 115 Stat. 181, related to tribally controlled postsecondary vocational and technical institutions, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2327, Pub. L. 88-210, title I, §117, as added Pub. L. 101-392, title I, §116, Sept. 25, 1990, 104 Stat. 772, related to program evaluation and improvement, prior to the general amendment of this chapter by Pub. L. 105-332.

AMENDMENTS

2018—Subsecs. (a)(2), (d). Pub. L. 115-224, §116(1), (2), substituted “(Public Law 92-189; 85 Stat. 646)” for “(25 U.S.C. 640a et seq.)”.

Subsec. (f)(3). Pub. L. 115-224, §116(3), substituted “Tribe” for “tribe” in two places.

Subsec. (h). Pub. L. 115-224, §116(4), substituted “INDIAN TRIBE” for “INDIAN TRIBE” in heading of original Act which appears in heading as “Indian Tribe” and substituted “terms ‘Indian’ and ‘Indian Tribe’ have the meanings given the terms ‘Indian’ and ‘Indian tribe’, respectively, in” for “terms ‘Indian’ and ‘Indian tribe’ have the meanings given the terms in” in text.

Subsec. (i). Pub. L. 115-224, §116(5), added subsec. (i) and struck out former subsec. (i) which authorized appropriations as necessary for fiscal years 2007 through 2012.

2008—Subsec. (a). Pub. L. 110-315, §941(j)(2)(A), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary career and technical institutions that are not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) to provide basic support for the education and training of Indian students.”

Subsec. (d). Pub. L. 110-315, §941(j)(2)(B), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “Any tribally controlled postsecondary career and technical institution that is not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) that desires to receive a grant under this section shall submit an application to the Secretary in such manner and form as the Secretary may require.”

Subsec. (h)(1). Pub. L. 110-315, §941(k)(2)(D)(ii), substituted “the Tribally Controlled Colleges and Universities Assistance Act of 1978” for “the Tribally Controlled College or University Assistance Act of 1978”.

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.

**§ 2328. Occupational and employment information**

**(a) National activities**

From funds appropriated under subsection (g), the Secretary, in consultation with appropriate Federal agencies, is authorized—

(1) to provide assistance to an entity to enable the entity—

(A) to provide technical assistance to State entities designated under subsection (c) to enable the State entities to carry out the activities described in such subsection;

(B) to disseminate information that promotes the replication of high quality practices described in subsection (c); and

(C) to develop and disseminate products and services related to the activities described in subsection (c); and

(2) to award grants to States that designate State entities in accordance with subsection (c) to enable the State entities to carry out the State level activities described in such subsection.

**(b) State application**

**(1) In general**

A jointly designated State entity described in subsection (c) that desires to receive a grant under this section shall submit an application to the Secretary at the same time the State submits its State plan under section 2342 of this title, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.

**(2) Contents**

Each application submitted under paragraph (1) shall include a description of how the jointly designated State entity described in subsection (c) will provide information based on trends provided pursuant to section 15 of the Wagner-Peyser Act [29 U.S.C. 491-2] to inform program development.

**(c) State level activities**

In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State—

(1) to provide support for career guidance and academic counseling programs designed to promote improved career and education decision making by students (and parents, as appropriate) regarding education (including postsecondary education) and training options and preparations for high skill, high wage, or high demand occupations and non-traditional fields;

(2) to make available to students, parents, teachers, administrators, faculty, and career guidance and academic counselors, and to improve accessibility with respect to, information and planning resources that relate academic and career and technical educational preparation to career goals and expectations;

(3) to provide academic and career and technical education teachers, faculty, administrators, and career guidance and academic counselors with the knowledge, skills, and occupational information needed to assist parents

and students, especially special populations, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and non-traditional fields, including occupations and fields requiring a baccalaureate degree;

(4) to assist appropriate State entities in tailoring career related educational resources and training for use by such entities, including information on high skill, high wage, or high demand occupations in current or emerging professions and on career ladder information;

(5) to improve coordination and communication among administrators and planners of programs authorized by this chapter and by section 15 of the Wagner-Peyser Act [29 U.S.C. 491-2] at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data;

(6) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements; and

(7) to provide readily available occupational information such as—

(A) information relative to employment sectors;

(B) information on occupation supply and demand; and

(C) other information provided pursuant to section 15 of the Wagner-Peyser Act [29 U.S.C. 491-2] as the jointly designated State entity considers relevant.

**(d) Nonduplication**

**(1) Wagner-Peyser Act**

The jointly designated State entity described under subsection (c) may use funds provided under subsection (a)(2) to supplement activities under section 15 of the Wagner-Peyser Act [29 U.S.C. 491-2] to the extent such activities do not duplicate activities assisted under such section.

**(2) Workforce Innovation and Opportunity Act**

None of the functions and activities assisted under this section shall duplicate the functions and activities carried out under the Workforce Innovation and Opportunity Act.

**(e) Funding rule**

Of the amounts appropriated to carry out this section, the Federal entity designated under subsection (a) shall use—

(1) not less than 85 percent to carry out subsection (c); and

(2) not more than 15 percent to carry out subsection (a).

**(f) Report**

The Secretary, in consultation with appropriate Federal agencies, shall prepare and submit to the appropriate committees of Congress, an annual report that includes—

(1) a description of activities assisted under this section during the prior program year;

(2) a description of the specific products and services assisted under this section that were delivered in the prior program year; and

(3) an assessment of the extent to which States have effectively coordinated activities