

1988, 102 Stat. 837; Pub. L. 102-325, title III, § 302(a), (b), July 23, 1992, 106 Stat. 472; Pub. L. 103-208, § 2(a)(5), Dec. 20, 1993, 107 Stat. 2457; Pub. L. 103-382, title III, § 353, Oct. 20, 1994, 108 Stat. 3966; Pub. L. 105-244, title III, §§ 301(c)(2), 303(b), Oct. 7, 1998, 112 Stat. 1636, 1639; Pub. L. 110-315, title III, §§ 302, 305(b), Aug. 14, 2008, 122 Stat. 3167, 3173.)

PRIOR PROVISIONS

A prior section 1058, Pub. L. 89-329, title III, § 312, as added Pub. L. 96-374, title III, § 301, Oct. 3, 1980, 94 Stat. 1391, defined terms used in this subchapter, prior to the general revision of this subchapter by Pub. L. 99-498.

AMENDMENTS

2008—Subsec. (b)(1)(A). Pub. L. 110-315, § 302(1), substituted “subsection (d)” for “subsection (c) of this section”.

Subsec. (d). Pub. L. 110-315, § 305(b), substituted “Except as provided in section 1059e(b) of this title, for the purpose” for “For the purpose” in introductory provisions.

Subsec. (d)(2). Pub. L. 110-315, § 302(2), substituted “paragraph” for “subdivision”.

Subsecs. (g), (h). Pub. L. 110-315, § 302(3), (4), added subsec. (g) and redesignated former subsec. (g) as (h).

1998—Subsec. (b)(1)(B). Pub. L. 105-244, § 301(c)(2)(A), substituted “section 1068a(b)” for “section 1067(b)”.

Subsec. (c). Pub. L. 105-244, § 303(b)(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (c)(2). Pub. L. 105-244, § 301(c)(2)(B), substituted “section 1068a(a)” for “section 1067(a)”.

Subsecs. (d) to (g). Pub. L. 105-244, § 303(b)(1), redesignated subsecs. (c) to (f) as (d) to (g), respectively.

1994—Subsec. (b)(1)(C). Pub. L. 103-382, § 353(1), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “(C)(i) which is legally authorized to provide, and provides within the State, an educational program for which it awards a bachelor’s degree, or (ii) which is a junior or community college;”.

Subsec. (b)(1)(F). Pub. L. 103-382, § 353(2), (3), added subpar. (F).

1993—Subsec. (c)(2). Pub. L. 103-208 inserted “the” after “such institutions in”.

1992—Subsec. (b)(1), (2). Pub. L. 102-325, § 302(a)(1), (2), inserted “and” at end of subpar. (D), struck out subpar. (E), redesignated subpar. (F) as (E) and inserted “and” at end, and substituted period for semicolon at end of par. (2). Prior to amendment, subpar. (E) of par. (1) read as follows: “except as provided in section 1067(b) of this title which has, during the 5 academic years preceding the academic year for which it seeks assistance under this part—

“(i) met the requirement of either subparagraph (C)(i) or (C)(ii), or of both such subparagraphs (simultaneously or consecutively); and

“(ii) met the requirement of subparagraph (D); and”.

Subsec. (b)(3) to (5). Pub. L. 102-325, § 302(a)(3), struck out pars. (3) to (5) which read as follows:

“(3) any institution of higher education which has an enrollment of which at least 20 percent are Mexican American, Puerto Rican, Cuban, or other Hispanic students, or combination thereof, and which also satisfies the requirements of subparagraphs (A), (B), (C), and (D) of paragraph (1);

“(4) any institution of higher education which has an enrollment of at least 60 percent American Indian, or in the case of Alaska natives, an enrollment of at least 5 percent, and which also satisfies the requirements of subparagraphs (A), (B), (C), and (D) of paragraph (1); and

“(5) any institution of higher education which has an enrollment of which at least 5 percent are Native Hawaiian, Asian American, American Samoan, Micronesian, Guamanian (Chamorro), and Northern Marianian, or any combination thereof, and which also satisfies the

requirements of subparagraphs (A), (B), (C), and (D) of paragraph (1).”

Subsec. (c)(2). Pub. L. 102-325, § 302(b), substituted “second fiscal year preceding the fiscal year for which the determination is made, unless the requirement” for “second preceding fiscal year, unless the requirement”.

1988—Subsec. (f). Pub. L. 100-369 added subsec. (f).

1987—Subsec. (b)(1)(C), (D). Pub. L. 100-50, § 2(a)(2)(A), inserted “which” before “is” wherever appearing.

Subsec. (b)(1)(E). Pub. L. 100-50, § 2(a)(2)(B), inserted “which” before “has”.

Subsec. (b)(1)(F). Pub. L. 100-50, § 2(a)(2)(C), inserted “which” before “meets”.

Subsec. (b)(3), (5). Pub. L. 100-50, § 2(a)(3), (4), substituted “subparagraphs (A), (B), (C), and (D)” for “subparagraphs (A) and (B)”.

Subsec. (c)(1). Pub. L. 100-50, § 2(a)(5), inserted “in the second fiscal year preceding the fiscal year for which the determination is being made” after “chapter 34 of title 42”.

Subsec. (c)(2). Pub. L. 100-50, § 2(a)(6), substituted “fiscal year preceding the fiscal year for which determination is being made” for “preceding fiscal year” and “second preceding fiscal year” for “such fiscal year”.

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 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 this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of this title.

§ 1059. Duration of grant

(a) Award period

The Secretary may award a grant to an eligible institution under this part for 5 years.

(b) Limitations

In awarding grants under this part the Secretary shall give priority to applicants who are not already receiving a grant under this part, except that for the purpose of this subsection a grant under subsection (c) and a grant under section 1068c(a)(1) of this title shall not be considered a grant under this part.

(c) Planning grants

Notwithstanding subsection (a), the Secretary may award a grant to an eligible institution under this part for a period of one year for the purpose of preparation of plans and applications for a grant under this part.

(d) Wait-out-period

Each eligible institution that received a grant under this part for a 5-year period shall not be eligible to receive an additional grant under this part until 2 years after the date on which the 5-year grant period terminates.

(Pub. L. 89-329, title III, §313, as added Pub. L. 99-498, title III, §301(a), Oct. 17, 1986, 100 Stat. 1294; amended Pub. L. 102-325, title III, §302(c), July 23, 1992, 106 Stat. 472; Pub. L. 103-208, §2(a)(6), Dec. 20, 1993, 107 Stat. 2457; Pub. L. 105-244, title III, §§301(c)(3), 303(c), Oct. 7, 1998, 112 Stat. 1637, 1639.)

PRIOR PROVISIONS

A prior section 1059, Pub. L. 89-329, title III, §313, as added Pub. L. 96-374, title III, §301, Oct. 3, 1980, 94 Stat. 1392, provided for duration of grants under this part, prior to the general revision of this subchapter by Pub. L. 99-498.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-244, §303(c)(1), inserted “subsection (c) and a grant under” after “this subsection a grant under”.

Pub. L. 105-244, §301(c)(3), substituted “section 1068c(a)(1)” for “section 1069(a)(1)”.

Subsec. (d). Pub. L. 105-244, §303(c)(2), added subsec. (d).

1993—Subsec. (b). Pub. L. 103-208 inserted before period at end “, except that for the purpose of this subsection a grant under section 1069(a)(1) of this title shall not be considered a grant under this part”.

1992—Subsecs. (a), (b). Pub. L. 102-325 amended subsecs. (a) and (b) generally, substituting present provisions for provisions which related: in subsec. (a), to the awarding of grants for not to exceed 3, 4, or 5 years; and in subsec. (b), to waiting periods for awarding of subsequent grants.

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 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 this title.

§ 1059a. Applications

Each eligible institution desiring to receive assistance under this part shall submit an application in accordance with the requirements of section 1068 of this title.

(Pub. L. 89-329, title III, §314, as added Pub. L. 105-244, title III, §303(d), Oct. 7, 1998, 112 Stat. 1639.)

PRIOR PROVISIONS

A prior section 1059a, Pub. L. 89-329, title III, §314, as added Pub. L. 100-50, §2(b), June 3, 1987, 101 Stat. 336, related to application review process, prior to repeal by Pub. L. 105-244, §3, title III, §303(d), Oct. 7, 1998, 112 Stat. 1585, 1639, effective Oct. 1, 1998.

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.

§ 1059b. Goals for financial management and academic program

(a) Goals

Any application for a grant under this part shall describe measurable goals for the institution’s financial management and academic programs, and include a plan of how the applicant intends to achieve those goals.

(b) Continuation requirements

Any continuation application shall demonstrate the progress made toward achievement of the goals described pursuant to subsection (a).

(Pub. L. 89-329, title III, §315, as added Pub. L. 102-325, title III, §302(d)(1), July 23, 1992, 106 Stat. 472.)

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.

§ 1059c. American Indian tribally controlled colleges and universities

(a) Program authorized

The Secretary shall provide grants and related assistance to Tribal Colleges and Universities to enable such institutions to improve and expand their capacity to serve Indian students.

(b) Definitions

In this section:

(1) Indian

The term “Indian” has the meaning given the term in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 [25 U.S.C. 1801].

(2) Indian tribe

The term “Indian tribe” has the meaning given the term in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 [25 U.S.C. 1801].

(3) Tribal College or University

The term “Tribal College or University” means an institution that—

(A) qualifies for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a note);¹ or

(B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).

(4) Institution of higher education

The term “institution of higher education” means an institution of higher education as defined in section 1001(a) of this title, except that paragraph (2) of such section shall not apply.

(c) Authorized activities

(1) In general

Grants awarded under this section shall be used by Tribal Colleges or Universities to as-

¹ See References in Text note below.