

1983—Subsec. (a). Pub. L. 98-192 amended subsec. (a) generally, substituting provision establishing a formula premised on Indian student count at each tribally controlled community college on which funding is to be based for provision which directing the Secretary to grant an amount equal to \$4,000 for each full-time equivalent Indian student in attendance during the academic year to each tribally controlled community college having an application approved by the Secretary.

1982—Subsec. (c)(2). Pub. L. 97-375 struck out provision directing Secretary to report annually to Congress on needs of tribally controlled community colleges.

#### 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 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100-297, see section 6303 of Pub. L. 100-297, set out as a note under section 1071 of Title 20, Education.

### § 1809. Effect on other programs

#### (a) Eligibility for assistance

Except as specifically provided in this subchapter, eligibility for assistance under this subchapter shall not, by itself, preclude the eligibility of any tribally controlled college or university to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.] or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions.

#### (b) Allocations from Bureau of Indian Affairs

(1) The amount of any grant for which tribally controlled colleges or universities are eligible under section 1808 of this title shall not be altered because of funds allocated to any such colleges or universities from funds appropriated under section 13 of this title.

(2) No tribally controlled college or university shall be denied funds appropriated under section 13 of this title because of the funds it receives under this chapter.

(3) No tribally controlled college or university for which a tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under section 13 of this title may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)<sup>1</sup> (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

#### (c)<sup>2</sup> Assistance deemed to be basic educational opportunity grant

For the purposes of sections 312(2)(A)(i) and 322(a)(2)(A)(i) of the Higher Education Act of 1965 [20 U.S.C. 1058(2)(A)(i), 1061(a)(2)(A)(i)],<sup>3</sup> any Indian student who receives a student assistance grant from the Bureau of Indian Affairs for post-

secondary education shall be deemed to have received such assistance under subpart 1 of part A of title IV of such Act [20 U.S.C. 1070a et seq.].

#### (c)<sup>2</sup> Treatment of funds under certain Federal laws

Notwithstanding any other provision of law, funds provided under this subchapter to the tribally controlled college or university may be treated as non-Federal, private funds of the college or university for purposes of any provision of Federal law which requires that non-Federal or private funds of the college or university be used in a project or for a specific purpose.

(Pub. L. 95-471, title I, § 109, formerly § 108, Oct. 17, 1978, 92 Stat. 1328; renumbered § 109 and amended Pub. L. 98-192, §§ 4(a)(1), 8, Dec. 1, 1983, 97 Stat. 1336, 1337; Pub. L. 99-428, § 5, Sept. 30, 1986, 100 Stat. 983; Pub. L. 100-297, title V, § 5403(a), Apr. 28, 1988, 102 Stat. 416; Pub. L. 105-244, title IX, § 901(b)(5), (6), (8), (10), (12), (e), Oct. 7, 1998, 112 Stat. 1828, 1829.)

#### REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsecs. (a) and (c), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§ 1001 et seq.) of Title 20, Education. Sections 312 and 322 of the Act, which were classified to sections 1058 and 1061, respectively, of Title 20, were omitted in the general revision of title III of the Higher Education Act of 1965 by Pub. L. 99-498, title III, § 301(a), Oct. 17, 1986, 100 Stat. 1290, which enacted new sections 312 and 322 which are classified to sections 1058 and 1061, respectively, of Title 20. Subpart 1 of part A of title IV of the Higher Education Act of 1965 is classified generally to subpart 1 (§ 1070a et seq.) of part A of subchapter IV of chapter 28 of Title 20. For complete classification of the Higher Education Act of 1965 to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), referred to in subsec. (b)(3), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§ 450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§ 5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-244, § 901(b)(10), inserted “or university” after “tribally controlled college”.

Subsec. (b)(1). Pub. L. 105-244, § 901(b)(6), (8), substituted “controlled colleges or universities” for “controlled community colleges” and “such colleges or universities” for “such colleges”.

Subsec. (b)(2), (3). Pub. L. 105-244, § 901(b)(5), substituted “college or university” for “community college”.

Subsec. (c). Pub. L. 105-244, § 901(e), redesignated subsec. (d), relating to treatment of funds under certain Federal laws, as (c).

Subsec. (d). Pub. L. 105-244, § 901(e), redesignated subsec. (d), relating to treatment of funds under certain Federal laws, as (c).

Pub. L. 105-244, § 901(b)(5), (12), substituted “controlled college or university” for “controlled community college” and substituted “the college or university” for “the college” in two places.

1988—Subsec. (d). Pub. L. 100-297 added subsec. (d).

1986—Subsec. (b)(3). Pub. L. 99-428 added par. (3).

1983—Pub. L. 98-192, § 8, designated existing provision as subsec. (a) and added subsecs. (b) and (c).

#### 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 sec-

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

<sup>2</sup> So in original. Two subsecs. (c) have been enacted.

<sup>3</sup> See References in Text note below.

tion 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100-297, see section 6303 of Pub. L. 100-297, set out as a note under section 1071 of Title 20, Education.

**§ 1810. Authorization of appropriations**

(a)(1) There is authorized to be appropriated, for the purpose of carrying out section 1805 of this title, \$3,200,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.

(2) There is authorized to be appropriated for the purpose of carrying out section 1807 of this title, 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.

(3) There is authorized to be appropriated for the purpose of carrying out sections 1812(b) and 1813 of this title, 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.

(4) Funds appropriated pursuant to the authorizations under this section for the fiscal year 2009 and for each of the five succeeding fiscal years shall be transferred by the Secretary of the Treasury through the most expeditious method available, with each of the tribally controlled colleges or universities being designated as its own certifying agency.

(b)(1) For the purpose of affording adequate notice of funding available under this chapter, amounts appropriated in an appropriation Act for any fiscal year to carry out this chapter shall become available for obligation on July 1 of that fiscal year and shall remain available until September 30 of the succeeding fiscal year.

(2) In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this chapter, the first of which shall not be subject to paragraph (1).

(Pub. L. 95-471, title I, §110, formerly §109, Oct. 17, 1978, 92 Stat. 1328; renumbered §110 and amended Pub. L. 98-192, §§4(a)(1), 9, Dec. 1, 1983, 97 Stat. 1336, 1337; Pub. L. 99-428, §2(a), Sept. 30, 1986, 100 Stat. 982; Pub. L. 101-477, §1(b), Oct. 30, 1990, 104 Stat. 1152; Pub. L. 102-325, title XIII, §1301(a), July 23, 1992, 106 Stat. 797; Pub. L. 105-244, title IX, §901(a)(2)(A), (b)(11), Oct. 7, 1998, 112 Stat. 1827, 1828; Pub. L. 110-315, title IX, §941(g), Aug. 14, 2008, 122 Stat. 3462.)

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-315, §941(g)(1), (2), substituted “2009” for “1999” and “five succeeding” for “4 succeeding”.

Subsec. (a)(2). Pub. L. 110-315, §941(g)(1)-(3), substituted “such sums as may be necessary” for “\$40,000,000”, “2009” for “1999”, and “five succeeding” for “4 succeeding”.

Subsec. (a)(3). Pub. L. 110-315, §941(g)(1), (2), (4), substituted “such sums as may be necessary” for “\$10,000,000”, “2009” for “1999”, and “five succeeding” for “4 succeeding”.

Subsec. (a)(4). Pub. L. 110-315, §941(g)(1), (5), substituted “2009” for “1999” and “five succeeding” for “succeeding 4”.

1998—Subsec. (a)(1). Pub. L. 105-244, §901(a)(2)(A)(i), substituted “1999” for “1993”.

Subsec. (a)(2). Pub. L. 105-244, §901(a)(2)(A)(ii), substituted “\$40,000,000 for fiscal year 1999” for “\$30,000,000 for fiscal year 1993”.

Subsec. (a)(3). Pub. L. 105-244, §901(a)(2)(A)(iii), substituted “1999” for “1993”.

Subsec. (a)(4). Pub. L. 105-244, §901(a)(2)(A)(iv), (b)(11), substituted “1999” for “1993” and “tribally controlled colleges or universities” for “Tribally Controlled Community Colleges”.

1992—Subsec. (a). Pub. L. 102-325 amended subsec. (a) generally, in pars. (1) to (3) substituting provisions authorizing appropriations for fiscal years 1993 to 1997 for provisions authorizing appropriations for fiscal years 1990 to 1992 and adding par. (4).

1990—Subsec. (a)(1). Pub. L. 101-477, §1(b)(1), substituted “1990 and 1991, and for fiscal year 1992, such sums as may be necessary” for “1987, 1988, 1989, and 1990”.

Subsec. (a)(2). Pub. L. 101-477, §1(b)(2), substituted “1990 and 1991, and for fiscal year 1992, such sums as may be necessary” for “1987, 1988, 1989, and 1990”.

Subsec. (a)(3). Pub. L. 101-477, §1(b)(3), substituted “1990, 1991, and 1992” for “1987, 1988, 1989, and 1990”.

1986—Subsec. (a)(1). Pub. L. 99-428, §2(a)(1), substituted “1987, 1988, 1989, and 1990” for “1985, 1986, and 1987”.

Subsec. (a)(2), (3). Pub. L. 99-428, §2(a)(2), substituted “the fiscal years 1987, 1988, 1989, and 1990” for “such fiscal years”.

1983—Subsec. (a). Pub. L. 98-192, §9, amended subsec. (a) generally, substituting provision authorizing appropriations for fiscal years 1985, 1986, and 1987 of \$3,200,000 for carrying out section 1805 of this title, \$30,000,000 for carrying out section 1807 of this title, and appropriations as necessary for carrying out sections 1812(b) and 1813 of this title for provision authorizing appropriations for carrying out section 1807 of this title of \$25,000,000 for each of the fiscal years beginning Oct. 1, 1979 and Oct. 1, 1980, and \$30,000,000 for the fiscal year beginning Oct. 1, 1981, and \$3,200,000 for each of such fiscal years for the provision of technical assistance pursuant to section 1805 of this title.

Subsec. (b). Pub. L. 98-192, §9, amended subsec. (b) generally, substituting provision relating to affording adequate notice of funding available under this chapter and directing two separate appropriations in order to effect a transition to the forward funding method of timing appropriation action for provision directing that, unless otherwise provided, funds appropriated under this section remain available until expended.

Subsec. (c). Pub. L. 98-192, §9, struck out subsec. (c) which provided that nothing in this chapter be deemed to authorize appropriations for fiscal year beginning Oct. 1, 1978.

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.

**§ 1811. Grant adjustments**

**(a) Formula for allocation**

(1) If the sums appropriated for any fiscal year pursuant to section 1810(a)(2) of this title for grants under section 1807 of this title are not sufficient to pay in full the total amount which approved applicants are eligible to receive under such section for such fiscal year—

(A) the Secretary shall first allocate to each such applicant which received funds under sec-