

**Editorial Notes**

## 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, which was classified to section 640a et seq. of this title and was omitted from the Code as being of special and not general application.

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.

**Statutory Notes and Related Subsidiaries**

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

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## 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.

**Statutory Notes and Related Subsidiaries**

## 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—