

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

### § 1806. Eligibility studies

#### (a) Development of plans, procedures, and criteria

The Secretary is authorized to enter into an agreement with the Secretary of Education to assist the Bureau of Indian Affairs in developing plans, procedures, and criteria for conducting the eligibility studies required by this section. Such agreement shall provide for continuing technical assistance in the conduct of such studies.

#### (b) Initiation by Secretary; grant applications and budgets

The Secretary, within thirty days after a request by any Indian tribe, shall initiate a<sup>1</sup> eligibility study to determine whether there is justification to encourage and maintain a tribally controlled college or university, and, upon a positive determination, shall aid in the preparation of grant applications and related budgets which will insure successful operation of such an institution. Such a positive determination shall be effective for the fiscal year succeeding the fiscal year in which such determination is made.

#### (c) Source of appropriations

Funds to carry out the purposes of this section for any fiscal year may be drawn from either—

- (1) general administrative appropriations to the Secretary made after October 17, 1978 for such fiscal year; or
- (2) not more than 5 per centum of the funds appropriated to carry out section 1807 of this title for such fiscal year.

(Pub. L. 95-471, title I, §106, formerly §105, Oct. 17, 1978, 92 Stat. 1326; renumbered §106 and amended Pub. L. 98-192, §§4(a)(1), (b)(1), 6(a), Dec. 1, 1983, 97 Stat. 1336, 1337; Pub. L. 105-244, title IX, §901(b)(5), Oct. 7, 1998, 112 Stat. 1828.)

### Editorial Notes

#### AMENDMENTS

1998—Subsec. (b). Pub. L. 105-244 substituted “college or university” for “community college”.

1983—Subsec. (a). Pub. L. 98-192, §6(a)(2), (3), substituted “eligibility” for “feasibility” and “Secretary of Education” for “Assistant Secretary of Education of the Department of Health, Education, and Welfare”.

Subsec. (b). Pub. L. 98-192, §6(a)(2), (4), inserted provision that such positive determination be effective for fiscal year succeeding fiscal year in which such determination is made, and substituted “eligibility” for “feasibility”.

Subsec. (c)(2). Pub. L. 98-192, §§4(b)(1), 6(a)(5), substituted “5 per centum” for “10 per centum” and made a technical amendment to reference to section 1807 of this title to reflect renumbering of that section.

### 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.

<sup>1</sup> So in original. Probably should be “an”.

### § 1807. Grants to tribally controlled colleges or universities

#### (a) Submission of applications; necessity of eligibility study

Grants shall be made under this subchapter only in response to applications by tribally controlled colleges or universities. Such applications shall be submitted at such time, in such manner, and will contain or be accompanied by such information as the Secretary may reasonably require pursuant to regulations. Such application shall include a description of record-keeping procedures for the expenditure of funds received under this chapter which will allow the Secretary to audit and monitor programs conducted with such funds. The Secretary shall not consider any grant application unless a<sup>1</sup> eligibility study has been conducted under section 1806 of this title and it has been found that the applying college or university will service a reasonable student population.

#### (b) Determination of support; factors considered

The Secretary shall consult with the Secretary of Education to determine the reasonable number of students required to support a tribally controlled college or university. Consideration shall be given to such factors as tribal and cultural differences, isolation, the presence of alternate education sources, and proposed curriculum.

#### (c) Priority and number of grants

Priority in grants shall be given to institutions which are operating on October 17, 1978, and which have a history of service to the Indian people. In the first year for which funds are appropriated to carry out this section, the number of grants shall be limited to not less than eight nor more than fifteen.

#### (d) Consultation with national Indian organizations and tribal governments

In making grants pursuant to this section, the Secretary shall, to the extent practicable, consult with national Indian organizations and with tribal governments chartering the institutions being considered.

(Pub. L. 95-471, title I, §107, formerly §106, Oct. 17, 1978, 92 Stat. 1327; Pub. L. 97-375, title I, §108(c), Dec. 21, 1982, 96 Stat. 1820; renumbered §107 and amended Pub. L. 98-192, §§3(b), 4(a)(1), (b)(2), 6(b), Dec. 1, 1983, 97 Stat. 1336, 1337; Pub. L. 105-244, title IX, §901(b)(4)-(6), Oct. 7, 1998, 112 Stat. 1828.)

### Editorial Notes

#### AMENDMENTS

1998—Pub. L. 105-244, §901(b)(4), substituted “colleges or universities” for “community colleges” in section catchline.

Subsec. (a). Pub. L. 105-244, §901(b)(5), (6), substituted “colleges or universities” for “community colleges” and “college or university” for “community college”.

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

1983—Subsec. (a). Pub. L. 98-192, §6(b)(1), substituted “eligibility” for “feasibility”.

Pub. L. 98-192, §4(b)(2), made a technical amendment to reference to section 1806 of this title to reflect renumbering of that section.

<sup>1</sup> So in original. Probably should be “an”.