

violent crimes against women, or the existence of a significant victim population within the community.

(4) The formula established pursuant to this subsection shall provide funding necessary to support—

(A) one child protective services or family violence caseworker, including fringe benefits and support costs, for each tribe; and

(B) an additional child protective services and family violence caseworker, including fringe benefits and support costs, for each level of assistance for which an Indian tribe qualifies.

(5) In any fiscal year that appropriations are not sufficient to fully fund Indian Child Protection and Family Violence Prevention programs at each level of assistance under the formula required to be established in this subsection, available funds for each level of assistance shall be evenly divided among the tribes qualifying for that level of assistance.

**(g) Maintenance of effort**

Services provided under contracts made under this section shall supplement, not supplant, services from any other funds available for the same general purposes, including, but not limited to—

(1) treatment, including, but not limited to—

- (A) individual counseling,
- (B) group counseling, and
- (C) family counseling;

(2) social services and case management;

(3) training available to Indian tribes, tribal agencies, and Indian organizations regarding the identification, investigation, prevention, and treatment of family violence, child abuse, and child neglect; and

(4) law enforcement services, including investigations and prosecutions.

**(h) Contract evaluation and annual report**

Each recipient of funds awarded pursuant to subsection (a) shall—

(1) furnish the Secretary with such information as the Secretary may require to—

(A) evaluate the program for which the award is made, and

(B) ensure that funds are expended for the purposes for which the award was made; and

(2) submit to the Secretary at the end of each fiscal year an annual report which shall include such information as the Secretary may require.

**(i) Authorization of appropriations**

There are authorized to be appropriated to carry out the provisions of this section \$30,000,000 for each of the fiscal years 1992, 1993, 1994, 1995, 1996, and 1997.

(Pub. L. 101-630, title IV, §411, Nov. 28, 1990, 104 Stat. 4553; Pub. L. 104-16, §1, June 21, 1995, 109 Stat. 190; Pub. L. 105-244, title IX, §901(d), Oct. 7, 1998, 112 Stat. 1828; Pub. L. 110-315, title IX, §941(k)(2)(J), Aug. 14, 2008, 122 Stat. 3467.)

**Editorial Notes**

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in subsec. (b), is title I of Pub. L. 93-638, Jan. 4, 1975, 88

Stat. 2206, which is classified principally to subchapter I (§5321 et seq.) of chapter 46 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

2008—Subsec. (d)(5)(C). Pub. L. 110-315 substituted “tribally controlled college or university (within the meaning of section 1801 of this title)” for “tribally controlled community colleges (within the meaning of section 1801 of this title)”.

1998—Subsec. (d)(5)(C). Pub. L. 105-244 made technical amendment to reference in original act which appears in text as reference to section 1801 of this title.

1995—Subsec. (i). Pub. L. 104-16 substituted “1995, 1996, and 1997” for “and 1995”.

**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.

**§ 3211. Repealed. Pub. L. 105-362, title VIII, § 801(a), Nov. 10, 1998, 112 Stat. 3287**

Section, Pub. L. 101-630, title IV, §412, Nov. 28, 1990, 104 Stat. 4556, related to annual reports to Congress on administration of provisions concerning Indian child protection and family violence prevention.

**CHAPTER 35—INDIAN HIGHER EDUCATION PROGRAMS**

SUBCHAPTER I—HIGHER EDUCATION TRIBAL GRANT AUTHORIZATION

Sec.	
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SUBCHAPTER II—CRITICAL NEEDS FOR TRIBAL DEVELOPMENT

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SUBCHAPTER III—TRIBAL DEVELOPMENT STUDENT ASSISTANCE REVOLVING LOAN PROGRAM

3331 to 3338. Repealed.

SUBCHAPTER IV—AMERICAN INDIAN POST-SECONDARY ECONOMIC DEVELOPMENT SCHOLARSHIP

3351 to 3355. Repealed.

SUBCHAPTER V—AMERICAN INDIAN TEACHER TRAINING

3371. Repealed.

**SUBCHAPTER I—HIGHER EDUCATION TRIBAL GRANT AUTHORIZATION**

**§ 3301. Short title**

This subchapter may be cited as the “Higher Education Tribal Grant Authorization Act”.

(Pub. L. 102-325, title XIII, §1311, July 23, 1992, 106 Stat. 798.)

**§ 3302. Findings**

The Congress finds that—

(1) there are increasing numbers of Indian students qualifying for postsecondary education, and there are increasing numbers desiring to go to postsecondary institutions;

(2) the needs of these students far outpace the resources available currently;

(3) Indian tribes have shown an increasing interest in administering programs serving these individuals and making decisions on these programs reflecting their determinations of the tribal and human needs;

(4) the contracting process under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.] has provided a mechanism for the majority of the tribes to assume control over this program from the Bureau of Indian Affairs;

(5) however, inherent limitations in the contracting philosophy and mechanism, coupled with cumbersome administrative procedures developed by the Bureau of Indian Affairs have effectively limited the efficiency and effectiveness of these programs;

(6) the provision of these services in the most effective and efficient form possible is necessary for tribes, the country, and the individuals to be served; and

(7) these services are part of the Federal Government's continuing trust responsibility to provide education services to American Indian and Alaska Natives.

(Pub. L. 102-325, title XIII, §1312, July 23, 1992, 106 Stat. 798.)

**Editorial Notes**

## REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in par. (4), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to 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.

**§ 3303. Program authority****(a) In general**

The Secretary shall, from the amounts appropriated for the purpose of supporting higher education grants for Indian students under the authority of section 13 of this title, make grants to Indian tribes in accordance with the requirements of this subchapter to permit those tribes to provide financial assistance to individual Indian students for the cost of attendance at institutions of higher education.

**(b) Limitation on Secretary's authority**

The Secretary shall not place any restrictions on the use of funds provided to an Indian tribe under this subchapter that is not expressly authorized by this subchapter.

**(c) Effect on Federal responsibilities**

The provisions of this subchapter shall not affect any trust responsibilities of the Federal Government.

**(d) No termination for administrative convenience**

Grants provided under this subchapter may not be terminated, modified, suspended, or re-

duced only for the convenience of the administering agency.

(Pub. L. 102-325, title XIII, §1313, July 23, 1992, 106 Stat. 798.)

**§ 3304. Qualification for grants to tribes****(a) Contracting tribes**

Any Indian tribe that obtains funds for educational purposes similar to those authorized in this subchapter pursuant to contract under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.] may qualify for a grant under this subchapter by submitting to the Secretary a notice of intent to administer a student assistance program under section 3303 of this title. Such notice shall be effective for the fiscal year following the fiscal year in which it is submitted, except that if such notice is submitted during the last 90 days of a fiscal year such notice shall be effective the second fiscal year following the fiscal year in which it is submitted, unless the Secretary waives this limitation.

**(b) Noncontracting tribes**

Any Indian tribe that is not eligible to qualify for a grant under this subchapter by filing a notice under subsection (a) may qualify for such a grant by filing an application for such a grant. Such application shall be submitted under guidelines for programs under the Indian Self-Determination and Education Assistance Act [25 U.S.C. 5301 et seq.], as in effect on January 1, 1991, and shall be reviewed under the standards, practices, and procedures applicable to applications to contract under such Act as in effect on the date the application is received, except that—

(1) if the tribe is not notified that its application has been disapproved within 180 days after it is filed with the Secretary, the application shall be deemed to be approved;

(2) if the application is disapproved, the Secretary shall provide technical assistance to the tribe for purposes of correcting deficiencies in the application;

(3) the Secretary shall designate an office or official to receive such applications, and shall toll the 180-day period described in paragraph (1) from the date of receipt by such office or official; and

(4) applications shall be approved for the fiscal year following the fiscal year in which submitted, unless the Secretary waives the limitation of this paragraph.

**(c) Termination of grants****(1) Continuing eligibility presumed**

An Indian tribe which has qualified under subsection (a) or (b) for a grant under this subchapter for any fiscal year shall continue to be eligible for such a grant for each succeeding fiscal year unless the Secretary revokes such eligibility for a cause described in paragraph (2).

**(2) Causes for loss of eligibility**

The Secretary may revoke the eligibility of an Indian tribe for a grant under this subchapter if such tribe—

(A) fails to submit to the Bureau an annual financial statement that reports reve-