

**HIGHER EDUCATION OPPORTUNITY ACT OF 2008 (P.L. 110-315)**  
**TITLE III-A §316: STRENGTHENING INSTITUTIONS**  
**AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES**  
*(AS PUBLISHED IN THE US CODE)*

*20 USC* Sec. *1059c*

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TITLE 20 - EDUCATION

CHAPTER 28 - HIGHER EDUCATION RESOURCES AND STUDENT ASSISTANCE SUBCHAPTER III -  
INSTITUTIONAL AID

Part A - Strengthening Institutions

Sec. 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 assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Indian students.

(2) Examples of authorized activities

The activities described in paragraph (1) may include –

- (A) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;
- (B) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;
- (C) support of faculty exchanges, faculty development, and faculty fellowships to assist in attaining advanced degrees in the faculty's field of instruction or in tribal governance or tribal public policy;
- (D) academic instruction in disciplines in which Indians are underrepresented and instruction in tribal governance or tribal public policy;
- (E) purchase of library books, periodicals, and other educational materials, including telecommunications program material;
- (F) tutoring, counseling, and student service programs designed to improve academic success;
- (G) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' families;
- (H) funds management, administrative management, and acquisition of equipment for use in strengthening funds management;
- (I) joint use of facilities, such as laboratories and libraries;
- (J) establishing or improving a development office to strengthen or improve contributions from alumni and the private sector;
- (K) establishing or enhancing a program of teacher education designed to qualify students to teach in elementary schools or secondary schools, with a particular emphasis on teaching Indian children and youth, that shall include, as part of such program, preparation for teacher certification;

(L) establishing community outreach programs that encourage Indian elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education;

(M) developing or improving facilities for Internet use or other distance education technologies; and

(N) other activities proposed in the application submitted pursuant to subsection (d) of this section that -

(i) contribute to carrying out the activities described in subparagraphs (A) through (M); and

(ii) are approved by the Secretary as part of the review and acceptance of such application.

(3) Endowment fund

(A) In general

A Tribal College or University may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

(B) Matching requirement

In order to be eligible to use grant funds in accordance with subparagraph (A), the Tribal College or University shall provide matching funds, in an amount equal to the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

(C) Comparability

The provisions of part C of this subchapter regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this paragraph, shall apply to funds used under subparagraph (A).

(d) Application, plan, and allocation

(1) Institutional eligibility

To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 1058(b) of this title.

(2) Application

(A) In general

A Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(B) Streamlined process

The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants under this section.

(3) Awards and allocations to institutions

(A) Construction grants

(i) In general

Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent for the purpose of awarding one-year grants of not less than \$1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

(ii) Preference

In providing grants under clause (i) for any fiscal year, the Secretary shall give preference to eligible institutions that have not received an award under this section for a previous fiscal year.

(B) Allotment of remaining funds

(i) In general

Except as provided in clause (ii), the Secretary shall distribute the remaining funds appropriated for any fiscal year to each eligible institution as follows:

(I) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities.

(II) The remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.

(ii) Minimum grant

The amount distributed to a Tribal College or University under clause (i) shall not be less than \$500,000.

(4) Special rules

(A) Concurrent funding

No Tribal College or University that receives funds under this section shall concurrently receive funds under any other provision of this part, part B, or part A of subchapter V.

(B) Exemption

Section 1059(d) of this title shall not apply to institutions that are eligible to receive funds under this section.

## §1068h. Authorization of appropriations

### (a) Authorizations

#### (1) Part A

(B) There are authorized to be appropriated to carry out [section 1059c of this title](#), \$30,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(Pub. L. 89-329, title III, Sec. 316, as added Pub. L. 102-325, title III, Sec. 302(d)(1), July 23, 1992, 106 Stat. 473; amended Pub. L. 103-208, Sec. 2(a)(7), Dec. 20, 1993, 107 Stat. 2457; Pub. L. 105-244, title III, Sec. 303 (e), Oct. 7, 1998, 112 Stat. 1639; Pub. L. 106-211, Sec. 1(a), (b)(1), May 26, 2000, 114 Stat. 330; Pub. L. 110-315, title III, Sec. 303, Aug. 14, 2008, 122 Stat.3167; Pub. L. 111-39, title III, Sec. 301(1), July 1, 2009, 123 Stat. 1936.)

#### REFERENCES IN TEXT

The Tribally Controlled Colleges and Universities Assistance Act of 1978, referred to in subsec. (b)(3)(A), is Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1325, which is classified principally to chapter 20 (Sec. 1801 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 25 and Tables.

The Navajo Community College Act, referred to in subsec.(b)(3)(A), is Pub. L. 92-189, Dec. 15, 1971, 85 Stat. 646, which is classified to section 640a et seq. of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 640a of Title 25 and Tables.

Section 532 of the Equity in Educational Land-Grant Status Act of 1994, referred to in subsec. (b)(3)(B), is section 532 of Pub. L. 103-382, which is set out in a note under section 301 of Title 7, Agriculture.

#### AMENDMENTS

2009 - Subsec. (a). Pub. L. 111-39, Sec. 301(1)(A), substituted "Tribal" for "Indian Tribal". Subsec.

(b)(1)(2). Pub. L. 111-39, Sec. 301(1)(B)(i), (ii), substituted "the Tribally Controlled Colleges and Universities Assistance Act of 1978" for "the Tribally Controlled College or University Assistance Act of 1978".

Subsec. (b)(3)(A). Pub. L. 111-39, Sec. 301(1)(B)(iii), substituted "the Navajo Community College Act" for "the Navajo Community College Assistance Act of 1978".

2008 - Subsec. (b)(3). Pub. L. 110-315, Sec. 303(1), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: "The term 'Tribal College or University' has the meaning give the term 'tribally controlled college or university' in section 1801 of title 25, and includes an institution listed in the Equity in Educational Land Grant Status Act of 1994.

Subsec. (c)(2)(B). Pub. L. 110-315, Sec. 303(2)(A), added subpar. (B) and struck out former subpar. (B) which read as follows:

"construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;"

Subsec. (c)(2)(C). Pub. L. 110-315, Sec. 303(2)(B), inserted "or in tribal governance or tribal public policy" before semicolon at end.

Subsec. (c)(2)(D). Pub. L. 110-315, Sec. 303(2)(C), inserted "and instruction in tribal governance or tribal public policy" before semicolon at end.

Subsec. (c)(2)(G) to (N). Pub. L. 110-315, Sec. 303(2)(D)-(H), added subpars. (G) and (M), redesignated former subpars. (G), (H), (I), (J), (K), and (L) as subpars. (H), (I), (J), (K), (L), and (N), respectively, and in subpar. (N)(i) substituted "subparagraphs (A) through (M)" for "subparagraphs (A) through (K)".

Subsec. (d). Pub. L. 110-315, Sec. 303(3), added subsec. (d) and struck out former subsec. (d) which related to the application process for assistance under this section.

2000 - Subsec. (d)(2). Pub. L. 106-211, Sec. 1(a), inserted after first sentence "The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for such applications that takes into account the limited number of institutions that are eligible for assistance under this section."

Subsec. (d)(3). Pub. L. 106-211, Sec. 1(b)(1), added par. (3) and struck out heading and text of former par. (3). Text read as follows: "For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section may concurrently receive other funds under this part or part B of this subchapter."

1998 - Pub. L. 105-244 amended section catchline and text generally. Prior to amendment, text consisted of subsecs. (a) to (e) authorizing grants and related assistance to Hispanic-serving institutions to enable such institutions to improve and expand their capacity to serve Hispanic and other low-income students.

1993 - Subsec. (c). Pub. L. 103-208 substituted "(2) Examples of authorized activities. - Such programs may include - " for "Such programs may include - ".

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

#### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-211, Sec. 1(c), May 26, 2000, 114 Stat. 331, provided that: "The amendments made by this Act [amending this section and section 1059d of this title] shall be effective on the date of the enactment of this Act [May 26, 2000]."

#### 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

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.

-FOOTNOTE-

(!1) See References in Text note below.

(!2) So in original. Probably should be followed by a third closing parenthesis.