

111TH CONGRESS  
1ST SESSION

# S. 633

To establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 18, 2009

Mr. TESTER (for himself, Mr. BAUCUS, Mr. JOHNSON, Mr. BINGAMAN, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Tribal Health Promotion and Tribal Colleges and Uni-  
6 versities Advancement Act of 2009”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—THROUGH HIGHER EDUCATION: PROMOTING THE  
 ADVANCEMENT OF TRIBAL HEALTH

Sec. 101. Short title.

Sec. 102. Findings and purpose.

Sec. 103. Definitions.

Sec. 104. Administration by coordinating officer.

Sec. 105. Community-based health and wellness fairs.

Sec. 106. Health promotion and disease prevention targeted programs.

Sec. 107. Development and expansion of public health professional degree programs.

Sec. 108. Tribal College and University Rural Health Equity Endowment Fund.

Sec. 109. Offices of sponsored programs.

Sec. 110. Health promotion and disease prevention research programs.

TITLE II—ADVANCING TRIBES THROUGH TRIBAL COLLEGES AND  
 UNIVERSITIES

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Native Prosperity Programs at TCUs.

Sec. 204. Definitions.

3 **TITLE I—THROUGH HIGHER**  
 4 **EDUCATION: PROMOTING**  
 5 **THE ADVANCEMENT OF TRIB-**  
 6 **AL HEALTH**

7 **SEC. 101. SHORT TITLE.**

8 This title may be cited as the “Through Higher Edu-  
 9 cation: Promoting the Advancement of Tribal Health Act”  
 10 or “THE PATH Act”.

11 **SEC. 102. FINDINGS AND PURPOSE.**

12 (a) FINDINGS.—Congress finds that—

13 (1) because there is a significant lack of acces-  
 14 sible health-related education and training opportu-

1 nities for Indians, few Indians are represented in the  
2 health-related workforce of the United States;

3 (2) tribal colleges and universities remain the  
4 most poorly funded institutions of higher education  
5 in the United States, yet, as engaged institutions,  
6 tribal colleges and universities serve as catalysts for  
7 positive change in Indian communities;

8 (3) tribal colleges and universities with nursing  
9 programs train hundreds of students to hold criti-  
10 cally needed professional and management positions  
11 in the Indian Health Service, tribal health organiza-  
12 tions, and private and community agencies serving  
13 rural Indian populations;

14 (4) to the extent that tribal colleges and univer-  
15 sities are able, the colleges and universities have  
16 begun to address the many societal challenges faced  
17 by Indian communities;

18 (5) tribal colleges and universities offer criti-  
19 cally needed education and outreach programs, in-  
20 cluding—

21 (A) community health fairs;

22 (B) HIV–AIDS education programs;

23 (C) diabetes education programs;

24 (D) nutritional and obesity programs, in-  
25 cluding community garden programs;

1 (E) substance abuse prevention programs;

2 (F) youth-at-risk programs;

3 (G) parenting classes; and

4 (H) child and elder care services; and

5 (6) due to a chronic lack of operational and tar-  
 6 geted program funding, together with the unwilling-  
 7 ness of certain Federal agencies to recognize tribal  
 8 colleges and universities as valuable partners in ad-  
 9 dressing rural community issues, including health  
 10 care professional shortages, tribal colleges and uni-  
 11 versities have limited resources available to help ade-  
 12 quately address the perennial health challenges of  
 13 rural Indian communities.

14 (b) PURPOSE.—The purpose of this title is to assist  
 15 tribal colleges and universities to strengthen Indian com-  
 16 munities through the provision of health promotion and  
 17 disease prevention education, outreach, and workforce de-  
 18 velopment programs, including program implementation,  
 19 research, and capacity-building.

20 **SEC. 103. DEFINITIONS.**

21 In this title:

22 (1) DEPUTY ASSISTANT SECRETARY.—The term  
 23 “Deputy Assistant Secretary” means the Deputy As-  
 24 sistant Secretary for Minority Health, within the Of-  
 25 fice of Public Health and Science.

1           (2) DIRECTOR.—The term “Director” means  
2 the Director of the National Institutes of Health.

3           (3) INDIAN.—The term “Indian” has the mean-  
4 ing given the term in section 4 of the Indian Health  
5 Care Improvement Act (25 U.S.C. 1603).

6           (4) SECRETARY.—The term “Secretary” means  
7 the Secretary of Health and Human Services.

8           (5) TRIBAL COLLEGE OR UNIVERSITY.—The  
9 term “tribal college or university” has the meaning  
10 given the term “Tribal College or University” in sec-  
11 tion 316(b) of the Higher Education Act of 1965  
12 (20 U.S.C. 1059c(b)).

13 **SEC. 104. ADMINISTRATION BY COORDINATING OFFICER.**

14           (a) DESIGNATION.—The Deputy Assistant Secretary  
15 shall serve as the coordinating officer with respect to pro-  
16 grams of tribal colleges and universities relating to—

17               (1) health care workforce development; and

18               (2) health promotion and disease prevention.

19           (b) STAFF.—The Secretary shall appoint such addi-  
20 tional staff as the Secretary determines to be necessary—

21               (1) to assist the Deputy Assistant Secretary in  
22 carrying out the duties under this section; and

23               (2) to provide appropriate technical assistance  
24 to tribal colleges and universities eligible to receive

1 grants or enter into cooperative agreements under  
2 this title.

3 (c) MEMORANDUM OF AGREEMENT.—Not later than  
4 180 days after the date of enactment of this Act, the Sec-  
5 retary shall develop and implement a formal memorandum  
6 of agreement with the American Indian Higher Education  
7 Consortium to establish programs—

8 (1) to help ensure that Native American com-  
9 munities, through tribal colleges and universities,  
10 participate equitably in programs, services, and re-  
11 sources of the Department of Health and Human  
12 Services; and

13 (2) to provide necessary technical assistance to  
14 the tribal colleges and universities, including in es-  
15 tablishing collaborations among tribal colleges and  
16 universities and institutions of higher education or  
17 other organizations that carry out activities for cul-  
18 turally integrated education and training and re-  
19 search programs, delivered onsite or through distance  
20 learning.

21 **SEC. 105. COMMUNITY-BASED HEALTH AND WELLNESS**

22 **FAIRS.**

23 (a) ESTABLISHMENT.—The Secretary, acting  
24 through the Deputy Assistant Secretary, shall establish a  
25 program under which the Secretary shall provide grants

1 to, or offer to enter into cooperative agreements with, trib-  
2 al colleges and universities to carry out annual, commu-  
3 nity-based, and culturally relevant health and wellness  
4 fairs at the tribal colleges and universities.

5 (b) FUNDING.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—

7 There is authorized to be appropriated to the Sec-  
8 retary to carry out this section for each of fiscal  
9 years 2009 through 2017 an amount equal to the  
10 sum of—

11 (A) the product obtained by multiplying—

12 (i) the number of tribal colleges and  
13 universities in operation on October 1 of  
14 the fiscal year; and

15 (ii) \$15,000; and

16 (B) such amount as the Secretary deter-  
17 mines to be necessary for the costs of admin-  
18 istering the program under this section.

19 (2) TOTAL AMOUNT.—Subject to paragraph  
20 (3), the Secretary shall use all amounts made avail-  
21 able under paragraph (1)(A) to provide grants or  
22 enter into cooperative agreements pursuant to this  
23 section.

24 (3) NONAPPLICABILITY OF LIMITATION.—The  
25 limitation under section 1703(c) of the Public

1 Health Service Act (42 U.S.C. 300u-2(c)) shall not  
2 apply to this section.

3 **SEC. 106. HEALTH PROMOTION AND DISEASE PREVENTION**  
4 **TARGETED PROGRAMS.**

5 (a) ESTABLISHMENT.—The Secretary, acting  
6 through the Deputy Assistant Secretary, shall establish a  
7 program under which the Secretary shall provide grants  
8 to, or offer to enter into cooperative agreements with, trib-  
9 al colleges and universities to assist the tribal colleges and  
10 universities to build and expand the capacity to work col-  
11 laboratively with relevant Indian tribes—

12 (1) to conduct coordinated community-based  
13 health promotion and disease prevention activities;  
14 and

15 (2) to jointly plan and implement programs to  
16 help reduce health disparities in tribal communities,  
17 to the maximum extent practicable.

18 (b) REQUIREMENTS.—In providing grants and enter-  
19 ing into cooperative agreements under this section, the  
20 Secretary, to the maximum extent practicable, shall—

21 (1) approve applications on a competitive basis;  
22 and

23 (2) ensure maximum and equitable distribution  
24 among eligible tribal colleges and universities.

25 (c) APPLICATION.—



1           (1) IN GENERAL.—To be eligible to receive a  
2 grant or enter into a cooperative agreement under  
3 this section, a tribal college or university shall sub-  
4 mit to the Secretary an application at such time and  
5 in such manner as the Secretary may reasonably re-  
6 quire.

7           (2) INCLUSIONS.—An application under para-  
8 graph (1) shall include—

9                   (A) a signed agreement between the tribal  
10 college or university and each relevant Indian  
11 tribe that—

12                           (i) requires the entities to establish a  
13 partnership to implement the proposed  
14 community-based program; and

15                           (ii) specifies the roles of each entity;

16                   (B) a jointly prepared 5-year plan for ad-  
17 dressing the health promotion and disease pre-  
18 vention needs of Indians or Alaska Natives, as  
19 appropriate, in the area served by the tribal col-  
20 lege or university;

21                   (C) a demonstration of need for the pro-  
22 posed program;

23                   (D) an assurance that measures will be im-  
24 plemented and monitored to minimize duplica-  
25 tion of services; and

1           (E) an assurance that, under the proposed  
2           program, the tribal college or university shall  
3           not be a direct provider of any health care  
4           treatment or service.

5           (3) STREAMLINED PROCEDURE.—The Secretary  
6           shall ensure, to the maximum extent practicable, a  
7           simplified and streamlined procedure for the submis-  
8           sion and approval of applications under paragraph  
9           (1), taking into consideration the limited number of  
10          institutions that are eligible to receive assistance  
11          under this section.

12          (d) ACTIVITIES.—A tribal college or university that  
13          receives a grant or enters into a cooperative agreement  
14          under this section may use the grant or cooperative agree-  
15          ment to develop and carry out activities to address tar-  
16          geted areas of health promotion and disease prevention in  
17          tribal communities, including activities described in a  
18          partnership agreement under subsection (c)(2)(A) relating  
19          to—

- 20               (1) diabetes education and prevention;  
21               (2) injury prevention;  
22               (3) substance abuse, including methamphet-  
23          amine abuse;  
24               (4) HIV–AIDS prevention;

1 (5) emerging health promotion and disease pre-  
2 vention program and response development; and

3 (6) obesity and nutrition education.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to carry out this section  
6 \$10,000,000 for each of fiscal years 2009 through 2017.

7 **SEC. 107. DEVELOPMENT AND EXPANSION OF PUBLIC**  
8 **HEALTH PROFESSIONAL DEGREE PRO-**  
9 **GRAMS.**

10 (a) ESTABLISHMENT.—The Secretary, acting  
11 through the Administrator of the Health Resources and  
12 Services Administration, shall establish a program under  
13 which the Secretary shall provide grants to tribal colleges  
14 and universities (which may include consortia of tribal col-  
15 leges and universities and other institutions of higher edu-  
16 cation) for purposes of—

17 (1) developing curricula, courses, degree, and  
18 in-service programs for health-related professions;  
19 and

20 (2) strengthening those programs through the  
21 acquisition of basic and advanced laboratory, re-  
22 search, and classroom equipment, instruments, and  
23 computers (including software).

24 (b) APPLICATION.—



1 dowment Fund” (referred to in this section as the  
2 “Fund”), consisting of—

3 (1) such amounts as are appropriated to the  
4 Fund under subsection (b); and

5 (2) any interest earned on those amounts.

6 (b) TRANSFERS TO FUND.—There is appropriated to  
7 the Fund, out of funds of the Treasury not otherwise ap-  
8 propriated, \$9,000,000 for each of fiscal years 2009  
9 through 2017.

10 (c) INVESTMENTS.—The Secretary shall invest  
11 amounts in the Fund in interest-bearing obligations of the  
12 United States.

13 (d) EXPENDITURES FROM FUND.—

14 (1) IN GENERAL.—Subject to paragraph (2), on  
15 September 30 of fiscal year 2009 and annually  
16 thereafter through September 30, 2017, on request  
17 by the Secretary, the Secretary of the Treasury shall  
18 transfer from the Fund to the Secretary an amount  
19 equal to the amount of interest income earned on  
20 amounts in the Fund during the preceding fiscal  
21 year.

22 (2) ADMINISTRATIVE EXPENSES.—An amount  
23 not exceeding 1 percent of the annual interest yield  
24 distributed to tribal colleges and universities shall be

1 available for each fiscal year to pay the administra-  
2 tive expenses necessary to carry out this section.

3 (e) DISTRIBUTION OF AMOUNTS.—Of amounts trans-  
4 ferred under subsection (d)(1), the Secretary shall dis-  
5 tribute—

6 (1) 60 percent to tribal colleges and universities  
7 on a pro rata basis, based on the proportion that—

8 (A) the Indian student count (as defined in  
9 section 2(a) of the Tribally Controlled Colleges  
10 and Universities Assistance Act of 1978 (25  
11 U.S.C. 1801(a)) of a tribal college or university  
12 for the applicable fiscal year; bears to

13 (B) the Indian student count of all tribal  
14 colleges and universities for that fiscal year;  
15 and

16 (2) 40 percent in payments of equal amounts to  
17 each tribal college and university.

18 (f) USE OF FUNDS.—A tribal college or university  
19 shall use amounts received under this section to establish  
20 and maintain an endowment for a health professions work-  
21 force development program at the tribal college or univer-  
22 sity.

23 **SEC. 109. OFFICES OF SPONSORED PROGRAMS.**

24 (a) ESTABLISHMENT.—The Secretary, acting  
25 through the Director, shall establish a program under

1 which the Secretary shall provide grants to tribal colleges  
2 and universities to establish and maintain at the tribal col-  
3 leges and universities offices of sponsored programs de-  
4 scribed in subsection (b).

5 (b) SPONSORED PROGRAMS.—The sponsored pro-  
6 grams referred to in subsection (a) include programs for—

7 (1) pre- and post-grant award research, data  
8 collection, and analyses, through a method that en-  
9 sures—

10 (A) proper documentation of relevant ap-  
11 plications; and

12 (B) compliance with applicable regulations  
13 and guidelines;

14 (2) advancing specific institutional grant appli-  
15 cation procedures and processes through coordina-  
16 tion of external funding sources and faculty, staff,  
17 and financial officers;

18 (3) assisting in negotiations with Federal fund-  
19 ing sources;

20 (4) providing liaisons with Federal counterparts  
21 of tribal colleges and universities—

22 (A) to train and assist principal investiga-  
23 tors, faculty, and college staff with respect to  
24 grant management, reporting, and program im-  
25 plementation; and

1 (B) to ensure that applicable deadlines are  
2 met and required reports are completed;

3 (5) coordinating partnerships between tribal  
4 colleges and universities, Federal agencies, and the  
5 private sector for collaborative programs and activi-  
6 ties; and

7 (6) in consultation with Federal agencies, iden-  
8 tifying and proposing solutions to—

9 (A) obstacles relating to Federal agency  
10 grant application procedures and requirements;  
11 and

12 (B) other problems relating to Federal  
13 grant program structures and requirements.

14 (c) APPLICATION.—

15 (1) IN GENERAL.—To be eligible to receive a  
16 grant under this section, a tribal college or univer-  
17 sity shall submit to the Secretary an application at  
18 such time and in such manner as the Secretary may  
19 reasonably require.

20 (2) INCLUSION.—An application under para-  
21 graph (1) shall include a description of a 5-year  
22 strategy of the applicable tribal college or university  
23 for carrying out a sponsored program at the tribal  
24 college or university, including performance indica-



1       tors by which success of the tribal college or univer-  
2       sity will be evaluated.

3       (d) DISTRIBUTION OF FUNDS.—For each of fiscal  
4 years 2009 through 2017, the Secretary, acting through  
5 the Director, shall provide to each tribal college and uni-  
6 versity the application of which is approved under sub-  
7 section (c) a grant in an amount equal to the quotient  
8 obtained by dividing—

9           (1) the total amount made available under sub-  
10       section (f) for the fiscal year; by

11           (2) the number of tribal colleges and univer-  
12       sities the applications of which are approved under  
13       subsection (c) for the fiscal year.

14       (e) REPORTS.—For each of fiscal years 2010 through  
15 2018, each tribal college or university that receives a grant  
16 under this section shall submit to the Director a report  
17 describing the success of the office of sponsored programs  
18 of the tribal college or university during the preceding fis-  
19 cal year, as determined in accordance with the perform-  
20 ance indicators contained in the application of the tribal  
21 college or university under subsection (c)(2).

22       (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to carry out this section for  
24 each of fiscal years 2009 through 2017 an amount equal  
25 to the product obtained by multiplying—

1           (1) the number of tribal colleges and univer-  
2           sities in operation on October 1 of the applicable fis-  
3           cal year; and

4           (2) \$50,000.

5 **SEC. 110. HEALTH PROMOTION AND DISEASE PREVENTION**  
6                                   **RESEARCH PROGRAMS.**

7           (a) ESTABLISHMENT.—The Secretary, acting  
8 through the Director, shall establish a program under  
9 which the Secretary shall provide grants to, or offer to  
10 enter into cooperative agreements with, tribal colleges and  
11 universities to conduct research relating to health pro-  
12 motion and disease prevention at the tribal colleges and  
13 universities.

14           (b) REQUIREMENTS.—

15           (1) COMPETITION.—The Secretary shall provide  
16 grants and offer to enter into cooperative agree-  
17 ments under subsection (a) on a competitive basis.

18           (2) GENERAL TERMS AND AMOUNTS.—Except  
19 as provided in paragraph (3)—

20                           (A) the term of a grant or cooperative  
21 agreement under subsection (a) shall be not  
22 more than 3 years; and

23                           (B) the minimum amount of a grant under  
24 subsection (a) for a fiscal year shall be  
25 \$150,000.

1           (3) UNDERGRADUATE RESEARCH EXPERIENCE  
2 PROGRAMS.—With respect to a grant or cooperative  
3 agreement provided for an undergraduate research  
4 experience program under subsection (d)(3)—

5                   (A) the term of such a grant or cooperative  
6 agreement shall be not more than 1 year; and

7                   (B) the minimum amount of such a grant  
8 for a fiscal year shall be \$10,000.

9 (c) APPLICATION.—

10           (1) IN GENERAL.—To be eligible to receive a  
11 grant, or to enter into a cooperative agreement,  
12 under this subsection, a tribal college or university  
13 shall submit to the Secretary an application at such  
14 time and in such manner as the Secretary may rea-  
15 sonably require.

16           (2) STREAMLINED PROCEDURE.—The Secretary  
17 shall ensure, to the maximum extent practicable, a  
18 simplified and streamlined procedure for the submis-  
19 sion and approval of applications under paragraph  
20 (1), taking into consideration the limited number of  
21 institutions that are eligible to receive assistance  
22 under this section.

23           (d) ACTIVITIES.—A tribal college or university that  
24 receives a grant or enters into a cooperative agreement

1 under this section may use the grant or cooperative agree-  
 2 ment to carry out activities, including—

3 (1) research on culturally relevant and innova-  
 4 tive health promotion and disease prevention strate-  
 5 gies;

6 (2) epidemiological research on the health sta-  
 7 tus of Indian populations and communities; and

8 (3) undergraduate research experience pro-  
 9 grams as the tribal college or university determines  
 10 to be appropriate.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
 12 authorized to be appropriated to carry out this section  
 13 \$12,000,000 for each of fiscal years 2009 through 2017.

14 **TITLE II—ADVANCING TRIBES**  
 15 **THROUGH TRIBAL COLLEGES**  
 16 **AND UNIVERSITIES**

17 **SEC. 201. SHORT TITLE.**

18 This title may be cited as the “Advancing Tribes  
 19 Through Tribal Colleges and Universities Act” or the “AT  
 20 TCUs Act”.

21 **SEC. 202. FINDINGS.**

22 Congress finds that—

23 (1) a primary goal of providing Federal support  
 24 for higher education is to ensure social and economic

1 self-sufficiency and growth for all residents of the  
2 United States;

3 (2) social and economic underdevelopment is  
4 the primary obstacle to the self-sufficiency of Indian  
5 communities and families;

6 (3) research has demonstrated that higher edu-  
7 cation is a primary method of achieving economic  
8 and social development for Indian communities;

9 (4) tribal colleges and universities are institu-  
10 tions of higher education created by Indians for In-  
11 dians primarily on rural and isolated Indian reserva-  
12 tions, which were virtually excluded from the general  
13 system of higher education in the United States;

14 (5) underlying goals of tribal colleges and uni-  
15 versities are—

16 (A) to improve the lives of Indians through  
17 higher education; and

18 (B) to assist Indians in achieving self-suffi-  
19 ciency;

20 (6) tribal colleges and universities—

21 (A) offer a variety of social services for  
22 students and community members; and

23 (B) often serve as community centers, li-  
24 braries, tribal archives, career and business cen-  
25 ters, economic development centers, public

1 meeting places, and childcare and wellness cen-  
2 ters;

3 (7) tribal colleges and universities and students  
4 of those colleges or universities contribute signifi-  
5 cantly to the economic and social health of Indian  
6 communities;

7 (8)(A) tribal colleges and universities have been  
8 more successful than any other institution of higher  
9 education in educating and helping to retain Indians  
10 in high-need fields, such as nursing and teaching;

11 (B) data from 2005 indicates that—

12 (i) approximately  $\frac{1}{2}$  of all graduates of  
13 tribal colleges and universities pursue advanced  
14 education; and

15 (ii) of those graduates, more than 86 per-  
16 cent pursue bachelor's degrees;

17 (9) individuals, including Indians, with bach-  
18 elor's or advanced degrees earn—

19 (A) almost 4 times as much as individuals  
20 who do not graduate from high school; and

21 (B) more than twice as much as individ-  
22 uals with high school diplomas;

23 (10) of the 155 indigenous languages spoken in  
24 the United States as of the date of enactment of this  
25 Act, 135 are spoken only by Indian elders;

1           (11)(A) language and culture are at the heart  
2 of the mission of each tribal college and university;

3           (B) tribal colleges and universities—

4                 (i) play a strong leadership role in Native  
5 American language immersion; and

6                 (ii) are responsible for the majority of the  
7 approximately 50 Native American language  
8 immersion programs in the United States; and

9           (12) despite the proven success of Native Amer-  
10 ican language preservation and vitalization efforts of  
11 tribal colleges and universities, only minimal Federal  
12 and private sector resources are used for the activi-  
13 ties.

14 **SEC. 203. NATIVE PROSPERITY PROGRAMS AT TCUS.**

15           (a) IN GENERAL.—Section 166 of the Workforce In-  
16 vestment Act of 1998 (29 U.S.C. 2911) is amended by  
17 adding at the end the following:

18           “(k) NATIVE PROSPERITY PROGRAMS AT TCUS.—

19                 “(1) ESTABLISHMENT.—The Secretary shall es-  
20 tablish a program, to be known as the ‘TCU Native  
21 Prosperity Program’, under which the Secretary  
22 shall provide grants to, or offer to enter into cooper-  
23 ative agreements with, eligible tribal colleges and  
24 universities to promote economic development, entre-

1       preneurship, community development, and sound fis-  
2       cal leadership in Indian communities.

3           “(2) REQUIREMENTS.—

4               “(A) IN GENERAL.—Except as provided in  
5       subparagraph (B)—

6                   “(i) the Secretary shall provide grants  
7                   and offer to enter into cooperative agree-  
8                   ments under paragraph (1) on a competi-  
9                   tive basis; and

10                   “(ii) the term of a grant or coopera-  
11                   tive agreement under paragraph (1) shall  
12                   be 5 years.

13               “(B) EXCEPTION.—If the Secretary deter-  
14       mines that a tribal college or university that re-  
15       ceives a grant or enters into a cooperative  
16       agreement under this subsection has performed  
17       satisfactorily throughout the initial 5-year term  
18       of the grant or cooperative agreement under  
19       subparagraph (A)(ii)—

20                   “(i) the tribal college or university  
21                   may submit to the Secretary an application  
22                   to extend the grant or cooperative agree-  
23                   ment, as applicable, for a period of not  
24                   more than 3 additional years; and



1           “(ii) the Secretary may waive the  
2           competitiveness requirement of subpara-  
3           graph (A)(i) with respect to the applica-  
4           tion.

5           “(3) APPLICATION.—

6           “(A) IN GENERAL.—To be eligible to re-  
7           ceive a grant or enter into a cooperative agree-  
8           ment under this subsection, a tribal college or  
9           university shall submit to the Secretary an ap-  
10          plication at such time and in such manner as  
11          the Secretary may reasonably require.

12          “(B) PROGRAM PLAN.—

13           “(i) IN GENERAL.—An application  
14           under subparagraph (A) shall include a  
15           plan for the program proposed to be car-  
16           ried out by the eligible tribal college or  
17           university using the grant or pursuant to  
18           the cooperative agreement, as applicable.

19           “(ii) INCLUSIONS.—A program plan  
20           under subparagraph (A) shall include—

21           “(I) a description of a 5-year  
22           plan for the applicable tribal college  
23           or university, developed in consulta-  
24           tion with, and approved by, each rel-  
25           evant Indian tribe, through which the

1 tribal college or university will work  
2 collaboratively to meet the needs of  
3 Indians or Alaska Natives, as appro-  
4 priate, in the area served by the tribal  
5 college or university;

6 “(II) an identification of the pop-  
7 ulation to be served by the tribal col-  
8 lege or university;

9 “(III) an identification of the  
10 education and employment needs of  
11 that population and a description of  
12 the manner in which the program  
13 will—

14 “(aa) strengthen the eco-  
15 nomic development potential of  
16 the population; or

17 “(bb) contribute to the de-  
18 velopment of high-quality local  
19 and community services;

20 “(IV) a description of the serv-  
21 ices to be provided under the pro-  
22 gram, including the manner in which  
23 the services will be integrated with  
24 other appropriate activities to mini-  
25 mize duplication of services; and

1                   “(V) a description, to be pre-  
2                   pared in consultation with the Sec-  
3                   retary, of the performance measures  
4                   to be used to assess the performance  
5                   of the tribal college or university in  
6                   carrying out the program.

7                   “(iii) REQUIREMENT.—A program  
8                   plan shall be consistent with the purposes  
9                   of this section, as determined by the Sec-  
10                  retary.

11                  “(4) ACTIVITIES.—A tribal college or university  
12                  that receives a grant or enters into a cooperative  
13                  agreement under this subsection may use the grant  
14                  or cooperative agreement to carry out activities, in-  
15                  cluding—

16                         “(A) microenterprise development;

17                         “(B) business development and administra-  
18                         tion courses and degree programs;

19                         “(C) entrepreneurship programs;

20                         “(D) municipality planning and adminis-  
21                         tration courses, degree programs, and in-service  
22                         training; and

23                         “(E) executive leadership training in eco-  
24                         nomic development, planning, and emerging  
25                         management issues.

1           “(5) TECHNICAL ASSISTANCE.—To ensure that  
2           tribal colleges and universities receive timely, equi-  
3           table, and culturally relevant technical assistance,  
4           the Secretary may enter into any cooperative agree-  
5           ment the Secretary determines to be necessary with  
6           the American Indian Higher Education Consortium.

7           “(6) AUTHORIZATION OF APPROPRIATIONS.—  
8           There is authorized to be appropriated to carry out  
9           this subsection \$12,000,000 for each of fiscal years  
10          2009 through 2012.”

11 **SEC. 204. DEFINITIONS.**

12          Section 166(b) of the Workforce Investment Act of  
13          1998 (29 U.S.C. 2911(b)) is amended by adding at the  
14          end the following:

15               “(4) TRIBAL COLLEGE OR UNIVERSITY.—The  
16               term ‘tribal college or university’ has the meaning  
17               given the term ‘Tribal College or University’ in sec-  
18               tion 316(b) of the Higher Education Act of 1965  
19               (20 U.S.C. 1059c(b)).”.

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