

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.

EFFECTIVE DATE OF 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100-297, see section 6303 of Pub. L. 100-297, set out as a note under section 1071 of Title 20, Education.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-374 effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96-374, set out as a note under section 1001 of Title 20, Education.

FISCAL YEAR BEGINNING OCTOBER 1, 1978

Section 203(b) of Pub. L. 95-471 provided that nothing in title II of Pub. L. 95-471, the Navajo Community College Assistance Act of 1978, shall be deemed to authorize appropriations for the fiscal year beginning Oct. 1, 1978.

DEFINITIONS

The definitions in section 1801 of this title apply to this section.

§ 640c-2. Effect on other laws

(a) Except as specifically provided by law, eligibility for assistance under sections 640a to 640c-3 of this title shall not, by itself, preclude the eligibility of Diné College to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.] or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions.

(b) Notwithstanding any other provision of law, funds provided under sections 640a to 640c-3 of this title to Diné College may be treated as non-Federal, private funds of the College for purposes of any provision of Federal law which requires that non-Federal or private funds of the College be used in a project or for a specific purpose.

(Pub. L. 92-189, §6, as added Pub. L. 96-374, title XIII, §1351(c), Oct. 3, 1980, 94 Stat. 1501; amended Pub. L. 100-297, title V, §5403(b), Apr. 28, 1988, 102 Stat. 416; Pub. L. 110-315, title IX, §946(e), Aug. 14, 2008, 122 Stat. 3469.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§1001 et seq.) of Title 20, Education, and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

CODIFICATION

Section was not enacted as part of act Apr. 19, 1950, ch. 92, 64 Stat. 44, which comprises this subchapter.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315, §946(e)(1), substituted “Diné College” for “the Navajo Community College”.

Subsec. (b). Pub. L. 110-315 substituted “Diné College” for “the Navajo Community College” and “College be used” for “college be used”.

1988—Pub. L. 100-297 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100-297, see section 6303 of Pub. L. 100-297, set out as a note under section 1071 of Title 20, Education.

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96-374, set out as an Effective Date of 1980 Amendment note under section 1001 of Title 20, Education.

§ 640c-3. Payments; interest

(a) Notwithstanding any other provision of law, the Secretary of the Interior shall not, in disbursing funds provided under sections 640a to 640c-3 of this title, use any method of payment which was not used during fiscal year 1987 in the disbursement of funds provided under sections 640a to 640c-3 of this title.

(b)(1)(A) Notwithstanding any provision of law other than subparagraph (B), any interest or investment income that accrues on any funds provided under sections 640a to 640c-3 of this title after such funds are paid to Diné College and before such funds are expended for the purpose for which such funds were provided under sections 640a to 640c-3 of this title shall be the property of Diné College and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, to Diné College under any provision of Federal law.

(B) All interest or investment income described in subparagraph (A) shall be expended by Diné College by no later than the close of the fiscal year succeeding the fiscal year in which such interest or investment income accrues.

(2) Funds provided under sections 640a to 640c-3 of this title may only be invested by Diné College in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States.

(Pub. L. 92-189, §7, as added Pub. L. 100-297, title V, §5402(b), Apr. 28, 1988, 102 Stat. 415; amended Pub. L. 110-315, title IX, §946(f), Aug. 14, 2008, 122 Stat. 3469.)

CODIFICATION

Section was not enacted as part of act Apr. 19, 1950, ch. 92, 64 Stat. 44, which comprises this subchapter.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-315 substituted “Diné College” for “the Navajo Community College” wherever appearing.

EFFECTIVE DATE

For effective date and applicability of section, see section 6303 of Pub. L. 100-297, set out as an Effective Date of 1988 Amendment note under section 1071 of Title 20, Education.

SUBCHAPTER XXII—NAVAJO AND HOPI TRIBES: SETTLEMENT OF RIGHTS AND INTERESTS

§ 640d. Mediator

(a) Appointment; duties; qualifications; termination of duties

Within thirty days after December 22, 1974, the Director of the Federal Mediation and Conciliation Service shall appoint a Mediator (hereinafter referred to as the "Mediator") who shall assist in the negotiations for the settlement and partition of the relative rights and interests, as determined by the decision in the case of *Healing v. Jones* (210 F. Supp. 125, D. Ariz., 1962, aff'd 363 U.S. 758, 1963) (hereinafter referred to as the "Healing case"), of the Hopi and Navajo Tribes (hereinafter referred to as the "tribes") to and in lands within the reservation established by the Executive order of December 16, 1882, except land management district no. 6 (such lands hereinafter referred to as the "joint use area"). The Mediator shall not have any interest, direct or indirect, in the settlement of the interests and rights set out in this subsection. The duties of the Mediator shall cease upon the entering of a full agreement into the records of the supplemental proceedings pursuant to section 640d-2 of this title or the submission of a report to the District Court after a default in negotiations or a partial agreement pursuant to section 640d-3 of this title.

(b) Nature of proceedings

The proceedings in which the Mediator shall be acting under the provisions of this subchapter shall be the supplemental proceedings in the Healing case now pending in the United States District Court for the District of Arizona (hereinafter referred to as "the District Court").

(c) Interagency committee

(1) The Mediator is authorized to request from any department, agency, or independent instrumentality of the Federal Government any information, personnel, service, or materials he deems necessary to carry out his responsibilities under the provisions of this subchapter. Each such department, agency, or instrumentality is authorized to cooperate with the Mediator and to comply with such requests to the extent permitted by law, on a reimbursable or nonreimbursable basis.

(2) To facilitate the expeditious and orderly compilation and development of factual information relevant to the negotiating process, the President shall, within fifteen days of December 22, 1974, establish an interagency committee chaired by the Secretary of the Interior (hereinafter referred to as the "Secretary") to develop relevant information and to respond to the requests of the Mediator.

(d) Liaison with Secretary

The Secretary shall appoint a full-time representative as his liaison with the Mediator to facilitate the provision of information and assistance requested by the Mediator from the Department of the Interior.

(e) Staff assistants and consultants

The Mediator may retain the services of such staff assistants and consultants as he shall deem

necessary, subject to the approval of the Director of the Federal Mediation and Conciliation Service.

(Pub. L. 93-531, §1, Dec. 22, 1974, 88 Stat. 1712.)

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-180, §1, Dec. 2, 1991, 105 Stat. 1230, provided that: "This Act [amending sections 640d-11 and 640d-24 of this title and section 5315 of Title 5, Government Organization and Employees, and enacting provisions set out as notes under section 640d-11 of this title] may be cited as the 'Navajo-Hopi Relocation Housing Program Reauthorization Act of 1991'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-666, §1, Nov. 16, 1988, 102 Stat. 3929, provided that: "This Act [enacting sections 640d-29 and 640d-30 of this title, amending sections 640d-7, 640d-9 to 640d-14, 640d-22, 640d-24, 640d-25, and 640d-28 of this title, and enacting provisions set out as a note under section 640d-11 of this title] may be cited as the 'Navajo and Hopi Indian Relocation Amendments of 1988'."

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-305, §1, July 8, 1980, 94 Stat. 929, provided: "That this Act [enacting sections 640d-25 to 640d-28 of this title and amending sections 640d-4, 640d-7, 640d-9 to 640d-14, 640d-18, 640d-22, and 640d-24 of this title] may be cited as the 'Navajo and Hopi Indian Relocation Amendments Act of 1980'."

NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT OF 1996

Pub. L. 104-301, Oct. 11, 1996, 110 Stat. 3649, as amended by Pub. L. 105-256, §3, Oct. 14, 1998, 112 Stat. 1897, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Navajo-Hopi Land Dispute Settlement Act of 1996’.

“SEC. 2. FINDINGS.

“The Congress finds that—

“(1) it is in the public interest for the Tribe, Navajos residing on the Hopi Partitioned Lands, and the United States to reach a peaceful resolution of the longstanding disagreements between the parties under the Act commonly known as the ‘Navajo-Hopi Land Settlement Act of 1974’ (Public Law 93-531; 25 U.S.C. 640d et seq.);

“(2) it is in the best interest of the Tribe and the United States that there be a fair and final settlement of certain issues remaining in connection with the Navajo-Hopi Land Settlement Act of 1974, including the full and final settlement of the multiple claims that the Tribe has against the United States;

“(3) this Act, together with the Settlement Agreement executed on December 14, 1995, and the Accommodation Agreement (as incorporated by the Settlement Agreement), provide the authority for the Tribe to enter agreements with eligible Navajo families in order for those families to remain residents of the Hopi Partitioned Lands for a period of 75 years, subject to the terms and conditions of the Accommodation Agreement;

“(4) the United States acknowledges and respects—

“(A) the sincerity of the traditional beliefs of the members of the Tribe and the Navajo families residing on the Hopi Partitioned Lands; and

“(B) the importance that the respective traditional beliefs of the members of the Tribe and Navajo families have with respect to the culture and way of life of those members and families;

“(5) this Act, the Settlement Agreement, and the Accommodation Agreement provide for the mutual respect and protection of the traditional religious beliefs and practices of the Tribe and the Navajo families residing on the Hopi Partitioned Lands;

“(6) the Tribe is encouraged to work with the Navajo families residing on the Hopi Partitioned Lands