

tion with private landowners, shall grant and convey a perpetual easement to the private owners of land within the Northern Tier Land for private access over Santa Clara Reservation Highway 601 (Puye Road) across the Santa Clara Indian Reservation from its intersection with New Mexico State Highway 30, or other designated public road, on Forest Development Roads 416, 445 and other roads that may be necessary to provide access to each individually owned private tract.

(3) Approval

The Secretary of the Interior shall approve the conveyance of an easement under paragraph (2) upon receipt of written approval of the terms of the easement by the Secretary of Agriculture.

(4) Adequate access provided by Pueblo of Santa Clara

If adequate administrative and inholder access is provided over the Santa Clara Indian Reservation under paragraph (2), the Secretary of the Interior—

(A) shall vacate the inholder access over that portion of Forest Development Road 416 referenced in section 1780e(e)(5) of this title; but

(B) shall not vacate the reservations over the Northern Tier Land for administrative access under subsection (c)(2).

(Pub. L. 109-286, §12, Sept. 27, 2006, 120 Stat. 1225.)

§ 1780k. Inter-Pueblo cooperation

(a) Demarcation of boundary

The Pueblo of Santa Clara and the Pueblo may, by agreement, demarcate a boundary between their respective tribal land within Township 20 North, Range 7 East, in Rio Arriba County, New Mexico, and may exchange or otherwise convey land between them in that township.

(b) Action by Secretary of the Interior

In accordance with any agreement under subsection (a), the Secretary of the Interior shall, without further administrative procedures or environmental or other analyses—

(1) recognize a boundary between the Pueblo of Santa Clara and the Pueblo;

(2) provide for a boundary survey;

(3) approve land exchanges and conveyances as agreed upon by the Pueblo of Santa Clara and the Pueblo; and

(4) accept conveyances of exchanged lands into trust for the benefit of the grantee tribe.

(Pub. L. 109-286, §13, Sept. 27, 2006, 120 Stat. 1228.)

§ 1780l. Distribution of funds plan

Not later than 2 years after September 27, 2006, the Secretary of the Interior shall act in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) with respect to the award entered in the compromise and settlement of claims under the case styled Pueblo of San Ildefonso v. United States, No. 660-87L, United States Court of Federal Claims.

(Pub. L. 109-286, §14, Sept. 27, 2006, 120 Stat. 1229.)

REFERENCES IN TEXT

The Indian Tribal Judgment Funds Use or Distribution Act, referred to in text, is Pub. L. 93-134, Oct. 19, 1973, 87 Stat. 466, which is classified generally to chapter 16 (§1401 et seq.) of this title. For complete classification of this Act to the Code, see section 1401(c) of this title and Tables.

§ 1780m. Rule of construction and judicial review

Notwithstanding any provision of State law, the Settlement Agreement and the Los Alamos Agreement (including any real property conveyance under the agreements) shall be interpreted and implemented as matters of Federal law.

(Pub. L. 109-286, §15, Sept. 27, 2006, 120 Stat. 1229.)

§ 1780n. Effective date

This subchapter shall take effect on September 27, 2006.

(Pub. L. 109-286, §16, Sept. 27, 2006, 120 Stat. 1229.)

§ 1780o. Timing of actions

It is the intent of Congress that the land conveyances and adjustments contemplated in this subchapter (except the conveyances and adjustments relating to Los Alamos Townsite Land) shall be completed not later than 180 days after September 27, 2006.

(Pub. L. 109-286, §17, Sept. 27, 2006, 120 Stat. 1229.)

§ 1780p. Authorization of appropriations

There are authorized to be appropriated such funds as are necessary to carry out this subchapter.

(Pub. L. 109-286, §18, Sept. 27, 2006, 120 Stat. 1230.)

CHAPTER 20—TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES ASSISTANCE

Sec.

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§ 1801. Definitions

(a) For purposes of this chapter, the term—

(1) “Indian” means a person who is a mem-
ber of an Indian tribe;

(2) “Indian tribe” means any Indian tribe,
band, nation, or other organized group or com-
munity, including any Alaskan Native village
or regional or village corporation as defined in
or established pursuant to the Alaskan Native
Claims Settlement Act [43 U.S.C. 1601 et seq.],
which is recognized as eligible for the special
programs and services provided by the United
States to Indians because of their status as In-
dians;

(3) “Secretary”, unless otherwise des-
ignated, means the Secretary of the Interior;

(4) “tribally controlled college or univer-
sity” means an institution of higher education
which is formally controlled, or has been for-
mally sanctioned, or chartered, by the govern-
ing body of an Indian tribe or tribes, except
that no more than one such institution shall
be recognized with respect to any such tribe;

(5) “institution of higher education” means
an institution of higher education as defined
by section 1001¹ of title 20, except that clause
(2) of such section shall not be applicable and
the reference to Secretary in clause (5)(A)² of
such section shall be deemed to refer to the
Secretary of the Interior;

(6) “national Indian organization” means an
organization which the Secretary finds is na-
tionally based, represents a substantial Indian
constituency, and has expertise in the fields of
tribally controlled colleges and universities
and Indian higher education;

(7) “Indian student” means a student who
is—

(A) a member of an Indian tribe; or

(B) a biological child of a member of an In-
dian tribe, living or deceased;

(8) “Indian student count” means a number
equal to the total number of Indian students
enrolled in each tribally controlled college or
university, determined in a manner consistent
with subsection (b) of this section on the basis
of the quotient of the sum of the credit hours
of all Indian students so enrolled, divided by
twelve; and

(9) “satisfactory progress toward a degree or
certificate” has the meaning given to such
term by the institution at which the student
is enrolled.

(b) The following conditions shall apply for
the purpose of determining the Indian student
count pursuant to subsection (a)(8) of this sec-
tion:

(1) Such number shall be calculated on the
basis of the registrations of Indian students as
in effect at the conclusion of the third week of
each academic term.

(2) Credits earned in classes offered during a
summer term shall be counted toward the
computation of the Indian student count in
the succeeding fall term.

(3) Credits earned by any student who has
not obtained a high school degree or its equiv-
alent shall be counted toward the computation
of the Indian student count if the institution
at which the student is in attendance has es-
tablished criteria for the admission of such
student on the basis of the student’s ability to
benefit from the education or training offered.
The institution shall be presumed to have es-
tablished such criteria if the admission proce-
dures for such studies include counseling or
testing that measures the student’s aptitude
to successfully complete the course in which
the student has enrolled. No credits earned by
such student for purposes of obtaining a high
school degree or its equivalent shall be count-
ed toward the computation of the Indian stu-
dent count.

(4) Indian students earning credits in any
continuing education program of a tribally
controlled college or university shall be in-
cluded in determining the sum of all credit
hours.

(5) Eligible credits earned in a continuing
education program—

(A) shall be determined as one credit for
every ten contact hours in the case of an in-
stitution on a quarter system, or 15 contact
hours in the case of an institution on a se-
mester system, of participation in an orga-
nized continuing education experience under
responsible sponsorship, capable direction,
and qualified instruction, as described in the
criteria established by the International As-
sociation for Continuing Education and
Training; and

(B) shall be limited to ten percent of the
Indian student count of a tribally controlled
college or university.

(Pub. L. 95-471, §2, formerly §1, Oct. 17, 1978, 92
Stat. 1325; renumbered §2 and amended Pub. L.
98-192, §1, Dec. 1, 1983, 97 Stat. 1335; Pub. L.
99-428, §3, Sept. 30, 1986, 100 Stat. 982; Pub. L.
105-244, title I, §102(a)(8)(B), title IX, §901(b)(5),
(9), Oct. 7, 1998, 112 Stat. 1619, 1828; Pub. L.
110-315, title IX, §941(a)-(c), Aug. 14, 2008, 122
Stat. 3460, 3461.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the
original “this Act”, meaning Pub. L. 95-471, Oct. 17,
1978, 92 Stat. 1325, known as the Tribally Controlled
Colleges and Universities Assistance Act of 1978, which
enacted this chapter and section 640c-1 of this title,
amended section 640c of this title, and enacted provi-

¹ So in original. Probably should be section “1001(a)”.

² So in original. Probably should be “(5)”.